

By Mr. KOPP: Petition of many business firms and citizens of Wisconsin, against a local rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. LLOYD: Petition of 92 citizens of Gorin, Mo., against rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. McKINNEY: Petition of Papel-Giller Co., of Warsaw, Ill., for suspension of the duty on barley until September 1, 1911; to the Committee on Ways and Means.

By Mr. McMORRAN: Petition of B. E. Basney and A. J. Wallace, of Algonac, Mich., against a local parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MILLINGTON: Petition of Jones, Bird & Kenyon and Charles Millar & Son Co., against the Tou Velle bill; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of Dr. Laura H. Carnell for House bill 27068, for a children's labor bureau; to the Committee on Labor.

Also, petition of Stephen M. Wild & Co., Kuenzel Bros., and Snellenburg Clothing Co., of Philadelphia, Pa., favoring New Orleans for the Panama Exposition; to the Committee on Industrial Arts and Expositions.

By Mr. NEEDHAM: Petition of Central Labor Council of Stockton, Cal., against the crime perpetrated in Tampa relative to the members of the Cigarmakers' Union; to the Committee on Labor.

Also, petition of board of directors of the Merchants' Association of San Francisco, for appropriation to improve channel to the Mare Island Navy Yard; to the Committee on Rivers and Harbors.

By Mr. PLUMLEY: Papers to accompany bills for relief of Fayette W. Graves, Alfred E. Ames, John Riley, William H. Jaquith, Charles F. Piper, Wayland A. Strong, David Bolles, Charles E. Shepard, and Clara G. Branch; to the Committee on Invalid Pensions.

By Mr. ROBINSON: Petition of H. T. Caldwell and Joe P. Eagle and others, against parcels-post law; to the Committee on the Post Office and Post Roads.

Also, paper to accompany bill for relief of Thomas H. Hicks; to the Committee on Pensions.

By Mr. RUCKER of Colorado: Petition of W. P. Noble, James King, and others, of Twin Lakes, Colo., for parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. SLAYDEN: Petition of F. Brackman, manufacturer, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. TOU VELLE: Petition of business men of Wapakoneta, Ohio, and of St. Henry, Ohio, against local rural parcels-post service; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, December 20, 1910.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bill and joint resolutions:

S. 9439. An act to amend the act regulating the height of buildings in the District of Columbia, approved June 1, 1910;

S. J. Res. 125. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate Army and Navy who died in northern prisons and were buried near the prisons where they died, and for other purposes;" and

S. J. Res. 130. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1910, on the 21st day of said month.

The message also announced that the House had agreed to the concurrent resolution of the Senate (S. Con. Res. 38) providing for the printing, with illustrations, of the report of the committee and the views of the minority and the evidence taken, together with appendices, in the investigation made pursuant to public resolution No. 9, approved January 19, 1910, authorizing an investigation of the Department of the Interior and its several bureaus, officers, and employees, and of the Bureau of Forestry in the Department of Agriculture and its officers and employees, etc.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 29495) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1911, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6867. An act to authorize the city of Sturgis, Mich., to construct a dam across the St. Joseph River;

H. R. 20366. An act to transfer St. Joseph Bay, of the Pensacola collection district, in the State of Florida, to the Apalachicola collection district;

H. R. 23826. An act to amend section 13, chapter 252, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896 (29 Stats. L., p. 183);

H. R. 25775. An act to authorize the Great Northern Development Co. to construct a dam across the Mississippi River from a point in Hennepin County to a point in Anoka County, Minn.; and

H. R. 26583. An act to authorize the city of Drayton, N. Dak., to construct a bridge across the Red River of the North.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 130) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1910, on the 21st day of said month, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. KEAN presented petitions of Joseph H. Swinnerton, of Montclair; of Mrs. A. T. Tappa, of Bound Brook; of Miss Louisa E. Keasbey, of Morristown; of Rev. Howard Robbins, of Englewood; of C. B. La Monte, of Bound Brook; of Anna Rochester, of Englewood; of Rev. H. M. Ladd, of Rutherford; of George J. McEwan, of West Hoboken; of C. V. Meserole, of Englewood; of Mrs. Dexter Tiffany, of Plainfield; of Mrs. A. G. Van Houten, of Newark; of Mary E. Sweedy and Florence Sweedy, of Plainfield; of Frederick E. Langstroth, of Montclair; of George Morris, superintendent of the public schools of Bloomfield; of the Board of Education of Elizabeth; of the Woman's Christian Temperance Union of Orange; and of the Woman's Club of Orange, all in the State of New Jersey, and the petition of William S. Tyler, of New York City, N. Y., praying for the passage of the so-called children's bureau bill, which were ordered to lie on the table.

He also presented a petition of the Wednesday Morning Club, of Cranford, N. J., and a petition of the Woman's Club of Glen Ridge, N. J., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which were referred to the Committee on Agriculture and Forestry.

He also presented the memorial of John E. Tylee, of Paterson, N. J., and a memorial of the Board of Trade of New Brunswick, N. J., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Camp No. 19, Woodmen of the World, of Perth Amboy, N. J., and a petition of Goodwill Camp, No. 31, Woodmen of the World, of Perth Amboy, N. J., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Walter Hall, of Salem, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors on Government ships and buildings, which was referred to the Committee on Education and Labor.

Mr. WETMORE presented a petition of the Rhode Island Bar Association, praying for the enactment of legislation providing for an increase in the salaries of Federal judges, which was referred to the Committee on the Judiciary.

He also presented the memorial of Mrs. John Carter Brown, of Providence, R. I., vice regent of the Mount Vernon Ladies' Association for the State of Rhode Island, remonstrating against the establishment of a criminal reformatory for the District of Columbia in the vicinity of Mount Vernon, which was referred to the Committee on the District of Columbia.

Mr. GALLINGER presented a petition of the Federation of Citizens' Associations of the District of Columbia, praying for the enactment of legislation requiring the street railway companies of the District of Columbia to grant a 2-cent fare to

public-school pupils while going to or returning from school, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Federation of Citizens' Associations of the District of Columbia, praying for the passage of the so-called teachers' retirement bill, and also that ample space be provided for playgrounds in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Federation of Citizens' Associations of the District of Columbia, praying that an investigation be made into the system of levying assessments on real estate and land improvements in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BURKETT presented a petition of the Commercial Club, of Walthill, Nebr., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Council No. 118, United Commercial Travelers of America, of Omaha, Nebr., and a memorial of Grand Council, United Commercial Travelers of America, of Nebraska, remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Local Camps No. 26, of Shubert; No. 190, of Holdrege; No. 32, of Fremont; No. 110, of Randolph; and No. 11, of Verdon, all of the Woodmen of the World, in the State of Nebraska, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. JONES presented a petition of the Commercial Club of Wapato, Wash., praying that an appropriation of \$100,000 be made for repairing and placing in condition for traffic the main highways of the Yakima Indian Reservation, in that State, which was referred to the Committee on Indian Affairs.

He also presented a memorial of sundry citizens and business firms of Bridgeport, Wash., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. OVERMAN presented petitions of Local Camp No. 164, of Raft Swamp; No. 196, of Black Mountain; No. 92, of Spencer; No. 359, of Biscoe; No. 371, of Newton Grove; and No. 316, of Taylorsville, all of the Woodmen of the World, in the State of North Carolina, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. FLETCHER presented petitions of Local Camps No. 112, of Graceville; No. 159, of Lawtey; No. 151, of Jensen; No. 238, of Oak Hill; No. 143, of Sidney; No. 238, of Day; No. 170, of Green Cove Springs; No. 31, of Quincy; No. 116, of Ybor City; and No. 68, of Bascom, all of the Woodmen of the World, in the State of Florida, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented a petition of Local Union No. 335, Metal Polishers, Buffers, Platers, Brass Molders, Brass and Silver Workers' Union of North America, of Elkhart, Ind., and a petition of the Fortnightly Club, of Vincennes, Ind., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which were referred to the Committee on Agriculture and Forestry.

Mr. ROOT presented a petition of Pomona Grange, No. 35, Patrons of Husbandry, of New York, praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

He also presented petitions of the Ministers' Association, the Men's Association, and the Young Men's Christian Association, of Utica, N. Y., and of the State Christian Endeavor Union, of New York, praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which were referred to the Committee on the Judiciary.

He also presented a petition of Porter Camp, No. 39, Woodmen of the World, of Ransomville, N. Y., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Canal Board of New York, praying for the enactment of legislation providing that the

operation of lake surveys be extended so as to include all the lakes and other navigable waters forming part of the navigation system of the New York State barge canals, which was referred to the Committee on Commerce.

He also presented memorials of sundry citizens of Albany, Amsterdam, Auburn, Bedford Hills, Binghamton, Black River, Brooklyn, Buffalo, Canandaigua, Cattaraugus, Chaffee, Coney Island, Cortland, Cuba, Franklinville, Glens Falls, Jamestown, Little Valley, Macedon, Morris Heights, New York City, North Tonawanda, Olean, Oxford, Perry, Rochester, Rome, Rouses Point, Schenectady, Smithtown Branch, Spencer, Stockport, Unadilla, Utica, Van Etten, Waterford, Wellsville, Westfield, and Westons Mills, all in the State of New York, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

Mr. BRISTOW presented sundry papers to accompany the bill (S. 9457) granting an increase of pension to Leander O. Tucker, which were referred to the Committee on Pensions.

Mr. PERKINS presented a petition of Local Lodge No. 205, International Brotherhood of Boiler Makers and Iron Ship Builders and Helpers of America, of San Francisco, Cal., praying for the passage of the so-called boiler-inspection bill, which was ordered to lie on the table.

He also presented a memorial of the California Fruit Growers' Association, remonstrating against the free distribution of seeds by the Government, etc., which was referred to the Committee on Agriculture and Forestry.

MONUMENT TO ABRAHAM LINCOLN.

Mr. ROOT. I am directed by the Committee on the Library, to which was referred the bill (S. 9449) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, to report it with amendments.

Mr. CULLOM. I desire to state that immediately after the holiday recess I shall call up this bill for passage.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LORIMER:

A bill (S. 9706) to correct the military record of John H. Fesenmeyer; to the Committee on Military Affairs.

By Mr. PERCY:

A bill (S. 9707) to authorize the extension of Lamont Street NW., in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SHIVELY:

A bill (S. 9708) granting an increase of pension to David Paffenbarger (with accompanying papers); and

A bill (S. 9709) granting an increase of pension to Jasper N. Kinman; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 9710) granting an increase of pension to W. J. Nash; and

A bill (S. 9711) granting an increase of pension to John H. Jarrett; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 9712) granting an increase of pension to William H. Wallace (with accompanying papers); and

A bill (S. 9713) granting an increase of pension to Albert G. Webster (with accompanying papers); to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 9714) to provide for the acquisition of a site on which to erect a public building at Milbank, S. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. FLETCHER:

A bill (S. 9715) granting an increase of pension to Peter E. Palen; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 9716) to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory; to the Committee on the District of Columbia.

By Mr. SMOOT: A bill (S. 9717) granting a pension to Ann O. Burt (with accompanying papers); to the Committee on Pensions.

By Mr. TALIAFERRO:

A bill (S. 9718) granting an increase of pension to Joseph H. Allen (with accompanying papers);

A bill (S. 9719) granting an increase of pension to Joseph D. Hazzard (with accompanying papers); and

A bill (S. 9720) granting an increase of pension to Mary B. Jenks (with accompanying papers); to the Committee on Pensions.

By Mr. PILES:

A bill (S. 9721) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes; to the Committee on Commerce.

By Mr. BEVERIDGE:

A bill (S. 9722) granting an increase of pension to Robert Kent;

A bill (S. 9723) granting an increase of pension to Emily J. Hormel; and

A bill (S. 9724) granting an increase of pension to Emily P. Hubbard; to the Committee on Pensions.

By Mr. MARTIN:

A bill (S. 9725) granting a pension to James J. Boothe (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 9726) for the relief of John I. Brown & Son and others; to the Committee on Finance.

By Mr. OWEN:

A bill (S. 9727) to forbid the issuance of license for the sale or manufacture of intoxicating liquors or beverages within the limits of any State prohibiting the sale or manufacture thereof; to the Committee on the Judiciary.

By Mr. DU PONT:

A bill (S. 9728) granting an increase of pension to Isaac T. Hart; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 9729) to amend an act entitled "An act to provide for the extension of Newton Place NW. from New Hampshire Avenue to Georgia Avenue, and to connect Newton Place in Glass's subdivision with Newton Place in Whitney Close subdivision," approved February 21, 1910 (with accompanying papers); to the Committee on the District of Columbia.

By Mr. HEYBURN:

A bill (S. 9730) granting an increase of pension to Michael Lennane (with accompanying paper);

A bill (S. 9731) granting an increase of pension to Albert Otto (with accompanying paper);

A bill (S. 9732) granting an increase of pension to Pierpont H. B. Moulton (with accompanying paper); and

A bill (S. 9733) granting an increase of pension to Israel Gamblin; to the Committee on Pensions.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. NELSON submitted an amendment relative to securing a harbor of refuge at Arnesen, Minn., on the Lake of the Woods, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FLETCHER submitted an amendment providing for the survey of St. Marks River, Fla., from the town of St. Marks to the Gulf of Mexico, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 6867. An act to authorize the city of Sturgis, Mich., to construct a dam across the St. Joseph River;

H. R. 20366. An act to transfer St. Joseph Bay, of the Pensacola collection district, in the State of Florida, to the Apalachicola collection district;

H. R. 25775. An act to authorize the Great Northern Development Co. to construct a dam across the Mississippi River from a point in Hennepin County to a point in Anoka County, Minn.; and

H. R. 26583. An act to authorize the city of Drayton, N. Dak., to construct a bridge across the Red River of the North.

H. R. 23826. An act to amend section 13, chapter 252, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896 (29 Stat. L., p. 183), was read twice by its title and referred to the Committee on the Judiciary.

OMNIBUS CLAIMS BILL.

The VICE PRESIDENT. The morning business is closed.

Mr. BURNHAM. I ask the Senate to proceed with the consideration of Senate bill 7971.

There being no objection, the Senate resumed the consideration of the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes.

The VICE PRESIDENT. The bill is in the Senate and open to amendment.

Mr. BRISTOW. Mr. President, I have been making some examination of the items in the bill under the head of "Virginia." If I may have the attention of the chairman of the committee, I find that in the first item in the bill, on page 32, under the heading "Virginia," there is appropriated for the benefit of Edward Anderson, administrator of Mary Anderson, deceased, \$8,150. I have been unable to find the report for that claim. Will the chairman of the committee state what the claim is for, or indicate where the report can be found?

Mr. MARTIN. Mr. President, I am having a search made for the report. There is no doubt a report.

Mr. BRISTOW. Will the Senator from Virginia also please find the report for Margaret R. Shipley, administratrix of the estate of John Flower, deceased, late of Dinwiddie County, the appropriation being \$3,510; and also John R. Taylor and Charles F. Taylor, of Fairfax County, for \$4,323?

Mr. MARTIN. The Edward Anderson item is Senate Document No. 83. I will send for it.

Mr. BURNHAM. I have it here.

Mr. BRISTOW. And the Margaret R. Shipley item.

Mr. MARTIN. It is Senate Document No. 216.

Mr. BRISTOW. And John R. Taylor and Charles F. Taylor.

Mr. MARTIN. That is Senate Document No. 105. All of them are favorable findings by the Court of Claims.

Mr. BRISTOW. I was not able to find them, and they may be all right. I am glad to say that I looked through the Virginia claims and found a good many of them that seemed to me to be justified.

Mr. MARTIN. Each one of them is a regular court finding.

Mr. BRISTOW. But these three reports I was unable to find, and I did not think the Senate would want to vote on them unless it had some evidence showing just what the appropriations were for.

Now, there is one claim in the bill to which I desire to call the special attention of the chairman of the committee, and that is found on page 13:

To Adolph Hartiens, tutor of Sidney L. Hartiens, William W. Hartiens, and Mary R. Hartiens, grandchildren and heirs at law of William H. Osborne, deceased, late of Rapides Parish, \$54,875.

I am not clear as to why the committee allows \$54,875 for this claim.

Mr. THORNTON. Mr. President, I will say to the Senator from Kansas that, while I have no connection whatever with this claim, it is one which has been pending now for some 40 years, to my knowledge. Everything relative to the claim, it is understood, has been carefully passed on by the Court of Claims. The claim was for sugar and molasses, and probably rum, or some such things. I merely have a general understanding of the claim in that way.

Mr. BRISTOW. Mr. President, I desire to call the attention of the Senator from Louisiana and of the chairman of the Committee on Claims to the findings of the Court of Claims in regard to this claim. It seems that the amount named in the bill is very much more than the court finds is due. The report is found on pages 85, 86, 87, 88, and 89. It seems from the findings of the Court of Claims that John Osborne and William H. Osborne were planters in Louisiana; that the United States Army took their property, \$19,750 worth of corn, mules, horses, and cattle. These two brothers were partners. The court found that the value of the articles taken aggregated \$19,750; that one-half of it was due to John Osborne and one-half to William H. Osborne.

In the first trial of this case, which was on January 17, 1901, William H. Osborne was found to have been disloyal and, therefore, not entitled to recover any damages. I will read from the findings of the court:

I. It does not appear that William H. Osborne, deceased, the person alleged to have furnished such supplies or stores or from whom they are alleged to have been taken, was loyal to the Government of the United States throughout the War for the Suppression of the Rebellion.

II. The plantation from which the property was taken is situated 10 miles below Alexandria, La., and was the property of John and William Osborne. It was worked by them in partnership, both before and during the war, up to the time of seizure. The property seized was in bulk on the plantation and had not been divided or set off to the respective partners.

III. Between the 5th and 13th of May, 1864, the military and naval forces of the United States seized and took from the plantation of John and William Osborne 1,000 hogsheads containing 1,000,000 pounds of sugar belonging to them as partners. This sugar was laden on naval gunboats or Army transports on the Red River.

I now desire to call the attention of the chairman of the committee to this finding:

It does not further appear what became of it, nor whether it was issued to or used as stores or supplies by the Army or Navy, nor whether it came to the official custody of the chief quartermaster of the Department of the Gulf, in New Orleans, or of the chief commissary of

the department, nor whether it was treated as abandoned or captured property and sold and the proceeds paid into the Treasury.

It does not appear what was done with this sugar. I think the chairman of the committee will agree that no claimant is entitled to recover unless it appears that his property was taken by the United States Army and used for the benefit of the Federal Government. There is no finding of the court that this sugar was taken and used for the benefit of the Federal Government. There is a finding that the \$19,750 worth of mules, horses, and so forth, was taken and used by the Army of the United States. Since the first finding was that John Osborne was loyal, he was entitled to recover one-half of this amount, but there is no finding of the Court of Claims here that he was entitled to recover the half of the million pounds of sugar, because there is no evidence on file that the United States Government took and used that sugar or appropriated it to its own use. If it did not, the claimant was not entitled to recover; and I should like to have the chairman of the committee indicate why this \$45,000 is appropriated for the sugar when there is no evidence that the United States Government used the sugar.

Mr. BURNHAM. Mr. President, I will say that this is one of several hundred claims, and, of course, it is impossible to keep them all in mind. I find, in addition to what the Senator has read, that the court held:

IV. The value of the sugar at the time of capture in the local market of Alexandria has not been shown; but it appears that on the 5th of May, 1864, the Commissary Department purchased large quantities of sugar in Alexandria at about 9 cents per pound. Private property at that time could not be taken out from the vicinity, for the reason that the evacuation of Alexandria by the military forces of the United States was then taking place, and all of the means of transportation were in the possession and control of the Government.

It seems that the sugar which is in question was laden on naval gunboats or on Army transports belonging to the United States on the Red River. It would appear to me from this statement that the party claimant proved that the sugar went on board a United States gunboat and transport. That would seem to be sufficient.

Mr. BRISTOW. Mr. President, if the chairman of the committee will permit me, he will find that the Army transports and gunboats were the only means of transportation available at that time; that sugar or any other kind of property that went to market from that region had to go on United States transports; that there was no other means of shipping any product out of that part of the country. Now, this sugar was loaded on to the gunboats and transports. That is found. But what became of it? Was it sent to New Orleans to market? There is no finding that it was appropriated by the United States. Now, why are we going to pay \$45,000 to these people when there is no evidence that the Government used their sugar?

Mr. BURNHAM. Mr. President—

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. BRISTOW. Certainly.

Mr. BURNHAM. Mr. President, it seems to me when the claimant has shown that this sugar went into the possession of the United States vessels the claimant had proved about all that probably could be shown in such a case. He can not prove just where the sugar went or who the ultimate consumer of that sugar was. I do not believe that the claimant is called upon to trace the sugar to the retail or wholesale dealer or into the possession of a Government quartermaster.

Mr. BRISTOW. If the Senator will pardon me, I did not suggest that it was necessary to trace the property to the consumer, but I did suggest that if the United States Government is to pay for it there ought to be some evidence that it got it.

Mr. BURNHAM. It is evident—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. BRISTOW. Certainly.

Mr. BURNHAM. It is evident that it went into the possession of the United States, and it is a fair presumption, such a presumption of fact that a court might reasonably entertain, that after the Government of the United States, through their transports and gunboats, secured possession of the property they turned it over to the quartermaster and made use of the property.

Mr. BRISTOW. That presumption, if carried to its conclusion, would mean that for all property that went aboard of a United States transport or gunboat the Government was liable. There is no finding in the decision of the Court of Claims that the United States Government owes this man for that sugar. There is a finding that it owes these two men \$19,750; but there is no finding that it owes for this sugar. Now I will read the

difference in the two findings, that in regard to sugar and that in regard to the mules and horses.

Mr. BURNHAM. Mr. President, bearing upon this question, I want to read a few lines from the opinion of the court. The court says:

The claim in this case is for stores and supplies alleged to have been taken from the plantation of John and William H. Osborne, near Alexandria, La., in May, 1864, by the military forces of the United States. The claim of John Osborne for his one-half of the property so taken was presented to the Commissioners of Claims, who rejected the same because prior thereto the claimant had gone into bankruptcy. Thereafter the claim was referred to this court by the Committee on War Claims of the House of Representatives under the act of March 3, 1883, known as the Bowman Act; and the claimant having been found loyal, findings were made on the merits and certified to Congress, and the amount therein allowed has since been appropriated and paid.

So that it seems that one-half of this total claim has been approved and paid. Therefore, perhaps, we might draw some inference or have some intimation as to whether or not the remaining half of the claim should be paid.

Mr. BRISTOW. The Court of Claims made exactly the same finding in regard to the sugar in the John Osborne case that it afterwards did in the William H. Osborne case. There was no question, apparently, as to the loyalty of John Osborne, but there was question as to the loyalty of William H. Osborne. The first decision was that William H. Osborne was not loyal. Some five years afterwards, I believe, in 1906—

Mr. BURNHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield further to the Senator from New Hampshire?

Mr. BRISTOW. Certainly.

Mr. BURNHAM. Let me ask the Senator from what report he is reading. In what Congress and in what year was it made?

Mr. BRISTOW. I read from the report of the Senate Committee on Claims in the Sixtieth Congress, first and second sessions.

Mr. BURNHAM. What is the document number of that report, if the Senator please?

Mr. BRISTOW. I do not see the number. It is not on the title page.

Mr. BURNHAM. In the report that I have here, which is Senate Document No. 137, Fifty-ninth Congress, second session, the party is found loyal.

Mr. BRISTOW. That is the second report. That was the report that was made in 1906, when the case as to William H. Osborne was retried and contradictory evidence was submitted, which went to show that the evidence upon which the court had found its first decision that he was disloyal was not correct, and that, in fact, he was loyal. So that the loyalty of William H. Osborne, upon the second trial in 1906, was established; but in neither the John Osborne case nor the William H. Osborne case did the court find that they were entitled to recover for the sugar. The court simply found the facts, but it did not state that they were entitled to recover.

Now, I want to read the difference in the findings as to the mules and as to the sugar. The chairman of the committee, I know, burdened with the vast number of these claims as he has been, may not be familiar with the details of each case. Many of them have been very properly rejected, and a number that should have been rejected have not been because of the physical inability of any man to examine all of them carefully. Section 3 of the findings of fact says:

III. Between the 5th and 13th May, 1864, the military or naval forces of the United States seized and took from the plantation of John and William Osborne 1,000 hogsheads containing 1,000,000 pounds of sugar belonging to them as partners. This sugar was laden on naval gunboats or Army transports on the Red River. It does not further appear what became of it—

I now call the attention of the chairman to this special finding, italicized and emphasized by the court:

nor whether it was issued to or used as stores or supplies for the Army or Navy.

There is no evidence that it was used by the United States Government. The chairman of the committee will admit that if the Government did not use these stores it should not be required to pay for them.

Mr. BURNHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield further to the Senator from New Hampshire?

Mr. BRISTOW. I do.

Mr. BURNHAM. The chairman of the committee does not admit any such thing. The simple fact that the sugar went into the possession of gunboats and transports belonging to the Government would seem to be a pretty strong piece of evidence that the property went into the possession of the United States. What possible disposition could be made of that property afterwards? After having been taken possession of, would it be

returned to the parties from whom it was taken? Is it possible, indeed, that it would not be used by the Government for its purposes in the Quartermaster's Department?

I want to say in regard to the findings under the Bowman Act that the court does not find—and the same is true of findings under the Tucker Act—the liability of the Government. The court state facts from which the committee may draw its inferences.

Mr. BRISTOW. Well, if the chairman will permit, I would like to call his attention to the remaining part of the paragraph relating to the findings in regard to the sugar, which is as follows:

Nor whether it was issued to or used as stores or supplies by the Army or Navy, nor whether it came to the official custody of the chief quartermaster of the Department of the Gulf, in New Orleans, or of the chief commissary of the department, nor whether it was treated as abandoned or captured property and sold and the proceeds paid into the Treasury.

That relates to sugar. If I can have the attention of the chairman now I will call his attention to the difference in the findings as to the sugar and the mules:

During the same campaign of Gen. Banks on the Red River, in the spring of 1864, there was taken from the plantation by and for the use of the Army—

“By and for the use of the Army,” a very great difference in the findings of the two; one apparently was taken for the purpose of transporting the sugar to some place. It might have been lost in passage, or what became of it nobody knows. But “there was taken from the plantation by and for the use of the Army”—

property, of the kind described in the petition, consisting of corn, mules, horses, and cattle, likewise belonging to the same partnership of John and William Osborne, the fair and reasonable value of which, at the time and place of seizure, was \$19,750, one-half of which amount, to wit, \$9,875, belonged to the claimant's decedent, William H. Osborne.

There is a finding that the Army of the United States took for its own use \$9,875 worth of property belonging to William H. Osborne, and, I think, under that finding it is a very proper thing for the United States Government to appropriate, being satisfied of the loyalty of this man, that amount of money for his heirs. But there is no finding that it took for the use of the United States Army this million pounds of sugar, and yet without any finding from the court that the Government owes this money or used the property, an appropriation of \$45,000 is proposed to be made here for his benefit.

Mr. THORNTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Louisiana?

Mr. BRISTOW. Yes.

Mr. THORNTON. As far as I understand the matter—and I was on the scene of operations at the time—this is the course which was pursued where the Federal forces took supplies, especially for the use of the Federal Army, as in the case of the corn and wagons and mules mentioned. A receipt was given by the officer taking the property, with a statement for what purpose it was taken.

Therefore, there would be no trouble in such a case, but in numberless instances property was taken, not necessarily at the time, so far as known, for the immediate use of the Federal service, but for some purpose not known to the proprietor, the owner, and no reason was given. But it stands true that in this particular case this property was taken without the knowledge and without the consent of the owner—taken by the Federal authorities, loaded on Federal boats, and carried off. It was not possible in that case, I submit, that the owner of the property could tell what disposition was made of it afterwards. But it remained true that the property was lost to him, and lost to him through the action of the Federal authorities; and therefore, that being shown, I submit that is all that should be necessary to entitle the claimant to recover, after proving his loyalty. It would be preposterous to ask the impossible of him—that he should prove, in war times, what was done by the Federal authorities with his property after they had taken and carried it hundreds or thousands of miles away. That could not be done.

So far as concerns the loyalty of these parties, I understand it is admitted that John Osborne was loyal, and I understand that he long ago recovered his amount, but the other half was left open, because the loyalty of William Osborne was questioned. But that now, as I understand, has also been proved, removing the last bar for his descendants to recover the value of the property.

I know nothing, one way or the other, about the loyalty of William Osborne. He died, I believe, early after the war, or possibly during the last part of it. But I know all about John Osborne. It is well known that he was loyal during the war and became a Republican immediately after; held an office under its administration, and died under the Old Flag.

Mr. BRISTOW. If the Senator from Louisiana will examine the reports in these cases he will find that it is the uniform practice of the Government to pay for property taken and used, or taken or used, by the Federal authorities. But in the case of losses that occurred incident to the war, even if a man was loyal, when the Government got no benefit from the loss, the Government has never paid. Indeed, it would be utterly impossible for the Government to undertake to pay for losses incident to the war. That can not happen; it never has; it never will in the history of human government. It is only the property which the Government takes and appropriates to its own use that it pays for, or ever proposes to pay for.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Florida?

Mr. BRISTOW. Yes.

Mr. FLETCHER. May I ask the Senator this question? Does he mean to say that if sugar was loaded on a Government boat, and the boat started off, and the Government took complete control and possession of the sugar, and the boat loaded with that sugar should sink, the Government would not be liable for it?

Mr. BRISTOW. If the Government took the sugar and appropriated it to its own use, and the loyalty of the owners was established, they would be entitled to the value of the sugar. If the Government took it and did not appropriate it to its own use, it would not be liable for the sugar. There is no evidence here that it appropriated the sugar to its own use, and the complaint I make is that it is proposed to appropriate this \$45,000 for the benefit of the heirs of Mr. Osborne when the court did not find that it was due him.

If Senators will examine the findings in other cases, in the Virginia cases, to which I have referred, it will appear that the court finds specifically what is due.

I have before me now a case where the court found—it is one of the Virginia cases, contained in this bill—as follows:

The reasonable value of said use and occupation during said period was the sum of \$1,500.

That is for the use of the building. That was paid.

Said military forces also took for the use of the Army from the claimants' premises and appropriated the same to the use of the United States Army timber of the kind and character above described, which at the time and place of taking was reasonably worth the sum of \$16,975, or in all the sum of \$18,475, no part of which appears to have been paid.

That is what occurred in a case which is in this bill, originating in the State of Virginia. I make no objection to it. The evidence seemed to be that the United States Government took this property and used it for its own benefit, and it ought to pay for it, and I will gladly vote for an appropriation to do so.

I desire to say that I have no prejudice whatever against these southern war claims. I think a great many of them have great merit, and it is a pleasure for me to vote to appropriate money to pay them. But I do not want to appropriate money to pay claims that have not been found to be due, and that is the reason I am objecting to the \$45,000 item in this particular case.

Mr. President, I move to amend the bill by striking out—

Mr. THORNTON. Will the Senator from Kansas permit me to ask him another question?

Mr. BRISTOW. Certainly.

Mr. THORNTON. It would seem, then, that the contention of the Senator from Kansas is that when the property of a loyal citizen was taken by the United States authorities during the Civil War and carried where the owner could not possibly tell what disposition was made of it by the Government forces, unless the owner can show specifically that it was used afterwards for Government purposes, he can not recover. That is putting the thing in the concrete shape, as I understand.

Mr. BRISTOW. It has been uniformly the holding of the Congress of the United States in these appropriations to pay for the property that the Government takes and uses, not that destroyed incident to war.

Mr. THORNTON. I do not think that could possibly appeal to the sense of justice of anybody.

Mr. BRISTOW. If the Government is to pay for all the property that went aboard a United States transport in that part of the country, where there was no other means of transportation, and the Government did not use it, you are opening up a field here for claims that is illimitable. There will be no end to it. You can accumulate liabilities against the United States Government that will aggregate hundreds of millions.

As the Senator very aptly said, where the Government took property for its own use the custom was to give to the owner of the property a statement as to the facts. He presented that to the Government and was reimbursed. Nothing like that was ever done as to the sugar. It must have been done as to the other property.

Again, the Court of Claims never fixed any value upon this sugar. It states that the United States Government had paid during that period 9 cents a pound for certain other sugar that it bought, but it does not say that it bought this sugar, or that it used it or that it ever appropriated it in any way, or fixed any value upon it. It is all inference, and we are called upon here in this bill to appropriate \$45,000 upon inference, and inference alone, and that is what I am objecting to.

I move, Mr. President, on page 14, line 1, to strike out "fifty-four" and substitute therefor "nine." That is the only amendment I desire to offer.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 14, line 1, after the word "Parish," strike out the word "fifty-four" and insert the word "nine," so as to read "nine thousand eight hundred and seventy-five dollars."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. BRISTOW. If the Chair will permit me for just a moment, that simply reimburses the claimant for that which it was found the Government owes him for—the property which the Government took and used, and leaves the other for future consideration, for him to submit evidence, if he can, that the Government got this property and used it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

Mr. CULBERSON. I ask that the whole paragraph may be read now as will read if amended.

The PRESIDING OFFICER. The Secretary will read the paragraph as proposed to be amended.

The Secretary read the clause on page 13, beginning in line 22, as follows:

To Adolph Hartiens, tutor of Sidney L. Hartiens, William W. Hartiens, and Mary R. Hartiens, grandchildren and heirs at law of William H. Osborne, deceased, late of Rapides Parish, \$54,875.

The amendment is on page 14, line 1, to strike out the word "fifty-four" and insert "nine," so as to read "nine thousand eight hundred and seventy-five dollars."

Mr. TALIAFERRO. I should like to ask the chairman of the committee if there is clearly a court finding for the amount that appeared in the bill originally or as it stands now.

Mr. BURNHAM. The court here, as in all the Bowman cases, as stated before, does not determine the liability in the finding of facts. It finds the facts, and the fact referred to is this: They find that there were "1,000 hogsheads containing 1,000,000 pounds of sugar belonging to them as partners." Then, later on, they find the price per pound.

The value of the sugar at the time of the capture, in the local market of Alexandria, has not been shown; but it appears that on the 5th of May, 1864, the Commissary Department purchased large quantities of sugar in Alexandria at about 9 cents per pound.

So that the price of the sugar per pound and the number of pounds are determined in the findings.

Mr. BRISTOW. May I inquire of the Senator this: There is no finding as to the value of this sugar, is there?

Mr. BURNHAM. There is a finding of the quantity and a finding of the price paid by the Commissary Department at that time.

Mr. BRISTOW. At another time, for other sugar.

Mr. BURNHAM. It is put in here in this connection; it shows that about that time the Government was purchasing sugar for that price.

Mr. BRISTOW. That about that time the Commissary Department purchased sugar from somebody else and paid about 9 cents a pound. But there is no finding by the court at any time or anywhere as to the value of this invoice of sugar.

The language of the findings of the court is "about 9 cents," if the Senator will observe, for this other sugar that was purchased at another time and from other parties. But I submit to the Senate if we are to appropriate here money, whether there should not be a finding somewhere as to the value of the property we are paying for, and there is no finding here.

Mr. TALIAFERRO. I understand that the court finds that the value of the sugar was 9 cents a pound, as nearly approximating the time of the seizure as it was possible for them to ascertain its value.

Mr. BRISTOW. I will read the findings of the court, and then submit to the Senator—

Mr. BURNHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. BRISTOW. I do.

Mr. BURNHAM. I understand that the Court of Claims has secured the prices paid in the larger centers of the South dur-

ing different periods of time, near together, and that these show the value or the prices of property of different kinds. This was done, I understand, as a matter of facilitating their work and of attaining accuracy in their work and in determining prices. In other words, they have ascertained definitely that about this time the price of sugar in that locality was so much, and that is why they fix it at 9 cents a pound.

Mr. THORNTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Louisiana?

Mr. BRISTOW. I do.

Mr. THORNTON. I wish to say, as I have already said, that one-half of this claim has been paid in full. That is to say, that John Osborne, whose loyalty was not questioned, received during his lifetime the entire half coming to him, including his half of the sugar; and now the proposition is that these little minor children, the descendants of his brother, William H. Osborne, whose loyalty is now unquestioned, shall be cut out, although the other brother got the whole of his claim.

Mr. BRISTOW. Turning to the—

Mr. TALIAFERRO. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Florida?

Mr. BRISTOW. Yes.

Mr. TALIAFERRO. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the senior Senator from Florida?

Mr. BRISTOW. I do.

Mr. TALIAFERRO. I understand from the observations of the Senator from Louisiana that the Government actually fixed the value of this sugar by the payment to one of the partners or his heirs of what was due.

Mr. THORNTON. That is right.

Mr. BRISTOW. I am not advised as to what the Government may have done in some other bill probably before the Court of Claims made the finding; I have not that data before me, but I am treating of the findings of the Court of Claims in the case of William H. Osborne, which is before the Senate for consideration. I want to read what it says as to the value of this sugar:

The value of the sugar at the time of capture in the local market of Alexandria has not been shown—

That is the finding. There is no finding as to the value of this sugar, but it is specifically stated that the value was not shown—

but it appears that on the 5th of May, 1864, the Commissary Department purchased large quantities of sugar in Alexandria at about 9 cents per pound. Private property at that time could not be taken out from the vicinity for the reason that the evacuation of Alexandria by the military forces of the United States was then taking place, and all of the means of transportation were in the possession and control of the Government.

Now, I submit again to the Senate we ought not to appropriate money to pay for sugar when there is no finding as to what it was worth. Other sugar that was bought from other people at other times in the same vicinity may have a bearing on its value, but there certainly should be a finding here as to the specific amount that is due.

I wish to say that in every other case I have examined in the \$1,200,000 appropriated, most of which goes to pay these southern claims, there is a specific finding as to the value of the property taken, and I have not been able to find why the Government is paying for property that was not taken for its own use except in this case.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the junior Senator from Florida?

Mr. BRISTOW. Certainly.

Mr. FLETCHER. I wish to inquire if anything more is required than to find the market price of the sugar and the quantity. If you have established the market price of the sugar, as the findings seem to have established it, at 9 cents a pound, and if you have the quantity, there is no need of the court going further than that to find the actual value of the sugar; it is a mere matter of arithmetical calculation.

Mr. BRISTOW. I desire again to call the attention of Senators to the fact that the courts have not found that this sugar was taken and used by the United States Government. If Congress proposes to open up this class of claims on this class of evidence, there is no end to what is coming in the future.

Mr. President, I ask for the yeas and nays on agreeing to my amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER].

I desire to transfer my pair to the senior Senator from Alabama [Mr. BANKHEAD]. I vote "nay."

Mr. DILLINGHAM (when his name was called). I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from New York [Mr. DEPEW], and vote "nay."

Mr. THORNTON (when Mr. FOSTER's name was called). I was requested by my colleague [Mr. FOSTER] to announce, if a yea-and-nay vote were taken in the Senate to-day, that he is unavoidably absent.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. He is necessarily detained from the Senate and I withhold my vote.

Mr. DU PONT (when Mr. RICHARDSON's name was called). I wish to announce the pair of my colleague [Mr. RICHARDSON] with the senior Senator from Arkansas [Mr. CLARKE].

The roll call was concluded.

Mr. BRANDEGEE. I wish to announce that my colleague [Mr. BULKELEY] is paired for the day with the junior Senator from Arkansas [Mr. DAVIS].

Mr. TAYLOR. My colleague [Mr. FRAZIER] is paired with the senior Senator from Kansas [Mr. CURTIS].

Mr. KEAN. I wish to announce that the senior Senator from Rhode Island [Mr. ALDRICH] is paired with the junior Senator from South Carolina [Mr. SMITH].

Mr. BRISTOW. I desire to state that my colleague [Mr. CURTIS] is paired with the senior Senator from Tennessee [Mr. FRAZIER]. I make this announcement to stand for any vote that may be had to-day.

Mr. WARREN. I wish to announce that my colleague [Mr. CLARKE of Wyoming] is paired with the senior Senator from Missouri [Mr. STONE].

The result was announced—yeas 11, nays 43, as follows:

YEAS—11.

Beveridge	Bristow	Cummins	Smith, Mich.
Borah	Brown	Jones	Smoot
Bourne	Burton	La Follette	

NAYS—43.

Bacon	Cullom	Overman	Smith, Md.
Bailey	Dillingham	Page	Swanson
Bradley	du Pont	Penrose	Taliaferro
Brandegee	Fletcher	Percy	Taylor
Briggs	Flint	Perkins	Terrell
Burnham	Gallinger	Piles	Thornton
Carter	Kean	Purcell	Warner
Chamberlain	Lodge	Rayner	Warren
Crane	Lorimer	Root	Wetmore
Crawford	McCumber	Scott	Young
Cuberson	Martin	Simmons	

NOT VOTING—38.

Aldrich	Depew	Hale	Paynter
Bankhead	Dick	Heyburn	Richardson
Bulkeley	Dixon	Hughes	Shively
Burkett	Elkins	Johnston	Smith, S. C.
Burrows	Foster	Money	Stephenson
Clapp	Frazier	Nelson	Stone
Clark, Wyo.	Frye	Newlands	Sutherland
Clarke, Ark.	Gamble	Nixon	Tillman
Curtis	Gore	Oliver	
Davis	Guggenheim	Owen	

So Mr. BRISTOW's amendment was rejected.

Mr. BRISTOW. Mr. President, this bill carries with it an appropriation of \$2,040,946.97, of which \$475,123.04 are private individual war claims; \$327,174.08 are war claims paid to churches; \$345,000 is for overtime for employees of different departments of the Government; and \$842,688.53 is for the French spoliation claims.

On the first day that this bill was before the Senate for consideration I discussed it from a general point of view. I realized then how difficult it is to defeat a bill constructed as this has been. I realized then the full force of the distribution that was made of these large appropriations. I realize now the magnetic influence of combining claims into a general bill.

Many of these claims are just and should be paid. Many of them are not just and should not be paid. An omnibus claims bill invariably carries with it the good and the bad as well. That is why I have opposed this measure with what energy I could. I have had no disposition or purpose from the beginning to defeat it by any tactics of filibustering. I have sought to bring to the attention of the Senate and the American people the kind of legislation that this bill represents.

I hope that another bill of this character will not be soon presented to the American Congress. I hope that during my service here it will not be incumbent upon me again to review the French spoliation claims. I hope that Senators of the United States will not be required again to vote for appropriations that they do not approve in order that they may get just claims paid to their constituents.

I make the statement now that I have made heretofore, that there are claims aggregating hundreds of thousands of dollars in this bill that could not pass the American Congress upon their merits. I feel that I have done my duty in exposing these, as ineffectively as it has been done. I hoped for better results, but no one recognizes more than I do the power of organization. No one realizes more than I do the attractiveness of local appropriations. The American people recently witnessed the widespread dissatisfaction that grows from combinations in legislation and that carries through the bad with the good. This was manifested at the special session of Congress in the enactment of a tariff bill that has been repudiated by the American people because there were incorporated within it provisions that were unjust and indefensible.

This is comparatively a small measure, but the principle that underlies this bill is the same as that which underlies all legislation of this character. If the American people will go back a hundred years and dig up claims that rest upon shadowy authority and pay them out of the Public Treasury, that practice may continue and continue, and as time goes on it will become worse. When these French spoliation claims were first presented to the American Congress no effort was made to ascertain their aggregate amount; no estimate was made. Indeed it remained for half a century to pass before any estimate was made—that was in 1846. Then the estimate was fixed at \$5,000,000.

In 1896, 50 years later, it had grown to \$25,000,000. What will it be 50 years hence? Practically \$4,000,000 has been appropriated, and this bill carries \$842,000 more; and that, too, in face of the fact that this body in 1818, when the issue was fresh, found that the claims were not justified; in face of the fact that when the bill passed in 1846 and had attached to it the provision that the claims should be paid in land or land certificates, it was vetoed by the President; that when it passed nine years later it was then vetoed by another President, and when it passed in 1896 it was again vetoed by another President. So it has gone from year to year, the amount growing as the heirs accumulate. Probably many Senators have received communications from their home States from constituents who have a vague and shadowy notion that there is money due them out of Revolutionary War claims. One of the grossest and most insidious frauds that have ever been practiced upon the American people is found in the inducements which are held out to a great many people in this country that back in England somewhere there are vast estates that have been accumulating for centuries in which they have a share. There are attorneys and alleged representatives of these old estates who are in the cities of this country and abroad who are sending communications everywhere, claiming that for a certain stipulated fee they can help people get hold of a large inheritance, and there are thousands of people in the United States who are contributing annually to the payment of these attorneys in the hope that at some time they may thereby get something. It is just as culpable for the American Congress to hold up the hope and to hold out the expectation to many people in the United States, as they are doing by passing these old shadowy Revolutionary claims, that there is something for them in the United States Treasury, if they only knew how to get at it.

I received this morning a letter from an old gentleman in the State of Virginia stating that he understood that his grandfather had lost a large amount of money during the Revolutionary time; that the Government had the money, and ought to pay it. That man has been induced to believe that. He has not any valid claim; he has no claim against the Government. Why do we keep these bills before the American people, continuously making these appropriations and holding out such inducements?

Take the French spoliation claims. There were thousands of dollars lost in the turbulent times out of which those claims grew. There have been no claims made, no complaint filed, no evidence presented as to whether or not the people who lost had a valid claim; and why should those who had industriously constructed evidence for these claims for a hundred years be favored over others just as worthy? There certainly has been no evidence presented here to warrant such action on our part.

Now I submit, after a week's discussion, this case to the Senate of the United States. If it sees fit to pass the bill, as it apparently will, I feel that I have done my duty. If, by the efforts I have made I have given to the people of the United States a clear knowledge of the character of this legislation, I feel that I have not spoken in vain. If I have succeeded in serving notice upon the American Congress that legislation of this kind in future can not pass without a pronounced and vigorous controversy, I feel that my efforts have not been in vain. But I want to say now that while this fight, so far as

actual results in the defeat of this bill are concerned, has failed, it has not been fruitless because it had no merit, but because of the system of legislation that prevails in the passing of claims of this kind. And I stand here to-day and protest with all the energy in my being against this system of legislation. I therefore submit the case to the Senate.

The PRESIDING OFFICER. The question is, Shall the bill be ordered to be engrossed for a third reading and read the third time?

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

Mr. BRISTOW. On that question I ask for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. Therefore I withhold my vote.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the Senator from New York [Mr. DEPEW], and vote. I vote "yea."

Mr. SCOTT (when the name of Mr. ELKINS was called). I wish to say that my colleague the senior Senator from West Virginia [Mr. ELKINS], as all Senators are well aware, is detained at home by serious illness. If he were here, he would vote "yea." I am glad to say that he is much better this morning.

Mr. PAYNTER (when his name was called). I again announce my pair with the Senator from Colorado [Mr. GUGGENHEIM].

Mr. DU PONT (when Mr. RICHARDSON's name was called). I again announce the pair of my colleague [Mr. RICHARDSON] with the senior Senator from Arkansas [Mr. CLARKE]. If my colleague were present and free to vote, he would vote "yea."

Mr. SIMMONS (when his name was called). I wish to inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted.

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. SIMMONS. I have a pair with that Senator, but I transfer that pair to the Senator from Alabama [Mr. JOHNSTON], and vote. I vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN. I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from Alabama [Mr. BANKHEAD], and vote. I vote "yea."

Mr. PURCELL. I have a pair with the senior Senator from Maine [Mr. HALE]. I therefore withhold my vote.

Mr. PAYNTER. I desire to announce that the senior Senator from Alabama [Mr. BANKHEAD] is detained from the Senate on account of illness.

The result was announced—yeas 45, nays 11, as follows:

YEAS—45.

Bacon	Dillingham	Overman	Swanson
Bourne	du Pont	Owen	Taliaferro
Bradley	Fletcher	Page	Taylor
Brandeggee	Flint	Penrose	Terrell
Briggs	Gallinger	Percy	Thornton
Burnham	Kean	Perkins	Warner
Carter	Lodge	Piles	Warren
Chamberlain	Lorimer	Rayner	Wetmore
Crane	McCumber	Root	Young
Crawford	Martin	Scott	
Culberson	Newlands	Simmons	
Dick	Nixon	Smith, Md.	

NAYS—11.

Beveridge	Brown	Cummins	La Follette
Borah	Burkett	Heyburn	Smith, Mich.
Bristow	Burton	Jones	

NOT VOTING—36.

Aldrich	Curtis	Gore	Purcell
Bailey	Davis	Guggenheim	Richardson
Bankhead	Depew	Hale	Shively
Bulkeley	Dixon	Hughes	Smith, S. C.
Burrows	Elkins	Johnston	Smoot
Clapp	Foster	Money	Stephenson
Clark, Wyo.	Frazier	Nelson	Stone
Clarke, Ark.	Frye	Oliver	Sutherland
Cullom	Gamble	Paynter	Tillman

So the bill was passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive business the doors were reopened, and (at 1 o'clock

and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 21, 1910, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 20, 1910.

CONSUL.

Edwin S. Cunningham to be consul at Bombay, India.

REVENUE-CUTTER SERVICE.

Capt. Francis Marion Dunwoody to be senior captain in the Revenue-Cutter Service.

CIRCUIT JUDGE, COMMERCE COURT.

Martin A. Knapp to be additional circuit judge from the second judicial circuit and hereby designated to serve for five years in the Commerce Court.

REGISTER OF LAND OFFICE.

John F. Armstrong to be register of the land office at Sacramento, Cal.

RECEIVER OF PUBLIC MONEYS.

Louis T. Dugazon to be receiver of public moneys at New Orleans, La.

PROMOTIONS IN THE NAVY.

Lieut. Zeno E. Briggs to be a lieutenant commander.

Lieut. (Junior Grade) William L. Culbertson, jr., to be a lieutenant.

Lieut. (Junior Grade) Theodore G. Ellyson to be a lieutenant.

Lieut. (Junior Grade) Hugh Brown to be a lieutenant.

POSTMASTERS.

CALIFORNIA.

Wellington A. Griffin, Mountain View.

CONNECTICUT.

Frank M. Buckland, West Hartford.

George W. Merritt, Greenwich.

ILLINOIS.

James O. Burton, Dahlgren.

Charles W. Corwin, Peru.

Peter E. Low, Eureka.

IOWA.

L. M. Bosworth, Ames.

Arthur S. Burdick, Postville.

William B. Collinson, Oelwein.

Charles M. Marshall, Moulton.

James F. Mentzer, Knoxville.

Millard F. Stookey, Leon.

KANSAS.

Harvey S. Givler, Wakeeney.

MASSACHUSETTS.

Simeon L. Smith, Orleans.

MINNESOTA.

William D. Hale, Minneapolis.

NEBRASKA.

L. F. Etter, South Omaha.

A. O. Yetter, Cozad.

NEW JERSEY.

Henry M. Bigelow, Hampton.

John W. Dooling, Clayton.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 20, 1910.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read.

CORRECTION OF JOURNAL.

The SPEAKER. Joint resolution 247, to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, and so forth, was reported yesterday from the Committee on Accounts and went on the Union Calendar. As it merely changes the date in the making of the payment, in the opinion of the Chair, the Journal should show that it went on the House Calendar; and, without objection, it is so ordered, and the Journal will be so corrected.

There was no objection.

The Journal of the proceedings of yesterday was approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 9405. An act to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the 'reclamation,' and for the issue and disposal of certificates of indebtedness in reimbursements therefor, and for other purposes;"

S. J. Res. 130. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1910, on the 21st day of said month;

S. 9027. An act to exempt owners of unpatented mining claims from performing annual labor upon such claims for the year 1910 under certain circumstances; and

S. 8916. An act extending the time for certain homesteaders to establish residence upon their lands.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9405. An act to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes;" to the Committee on the Public Lands.

S. 9027. An act to exempt owners of unpatented mining claims from performing annual labor upon such claims for the year 1910 under certain circumstances; to the Committee on Mines and Mining.

S. 8916. An act extending the time for certain homesteaders to establish residence upon their lands; to the Committee on the Public Lands.

URGENT DEFICIENCY BILL.

The SPEAKER. The Chair lays before the House from the Speaker's table the urgent deficiency bill, with Senate amendments.

The Clerk read as follows:

A bill (H. R. 29495) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1911, and for other purposes.

The Senate amendments were read.

Mr. TAWNEY. Mr. Speaker, I move that the House concur in the Senate amendments to the urgent deficiency bill.

Mr. FITZGERALD. Mr. Speaker, does the gentleman wish to make any statement about what these amendments are?

Mr. TAWNEY. If the House desires, I will state briefly the nature of the amendments, though if Members of the House were paying attention when they were read they will know they are very few and comparatively unimportant.

The principal amendment of the Senate is the one which appropriates \$50,000 for the State Department in addition to the appropriation of \$325,000, or making up a deficiency of \$50,000 in the appropriation for miscellaneous expenses connected with the embassies and the legations, or the Diplomatic Service. I called yesterday at the State Department and went over the Senate amendments with the officers in charge of this appropriation, and learned that there was an available or unobligated balance now in the appropriation of only \$6,000. It was considered very necessary that this deficiency appropriation or anticipated deficiency should be made at this time.

Mr. FITZGERALD. Will the gentleman yield at that point? Has this appropriation of \$325,000 been apportioned as required by law?

Mr. TAWNEY. The appropriation had been apportioned for this particular service, but since the beginning of this fiscal year they have been obliged, because of the negotiations in the Diplomatic Service to have a great deal more printing done than they have ever had to do in the past. Their present method of keeping the service throughout the world advised of the negotiations with other countries and matters of importance pertaining to the service has necessitated the expenditure of a great deal more money for printing and stationery, and especially for cable service, than they have heretofore expended.

Mr. FITZGERALD. Why was not that estimate sent to the House before the deficiency bill was considered?

Mr. TAWNEY. It was sent to the House.

Mr. FITZGERALD. Did the gentleman consider it in formulating the deficiency bill?

Mr. TAWNEY. I considered it, but the time was so short I did not consider it was so urgent that it ought to be carried in the urgent deficiency appropriation bill, and therefore did not

send for representatives of the State Department for the purpose of considering this estimate when we were considering the urgent deficiency estimates.

Mr. FITZGERALD. Is this printing done by a private printing establishment in the State Department or at the Government Printing Office?

Mr. TAWNEY. Principally by the Government Printing Office. I will say to the gentleman from New York, that even after the Senate adopted the amendment including this appropriation, which the Committee on Appropriations did not deem of sufficient urgency to consider, I went to the State Department for the purpose of informing myself as to the urgency or the necessity of an appropriation at this time for a deficiency, and learned to my surprise there was an unobligated balance of only \$6,000 to the credit of this appropriation.

Mr. FITZGERALD. How much is expended outside of the unobligated balance?

Mr. TAWNEY. I do not know. I can not recall exactly. But the unobligated balance is not sufficient to meet the necessities of the department during the remainder of this fiscal year.

Mr. FITZGERALD. Will this \$50,000 be sufficient for the balance of this fiscal year?

Mr. TAWNEY. Fifty thousand dollars will be sufficient to carry them through the remainder of this fiscal year.

Mr. FITZGERALD. I notice that \$325,000 has been expended in the first six months, which seems extraordinary.

Mr. TAWNEY. The gentleman from New York knows very well that in the administration of an appropriation for the entire fiscal year the allotment was for the first half of the year, and necessarily much in excess of what will be required for the remaining half of that year.

Mr. KEIFER. I wish to supplement what the gentleman has said. The subcommittee considering the urgent deficiency bill did not understand from the estimates that were sent from the State Department that it would be necessary to have a further appropriation before the general deficiency bill, although it did recognize the fact that there would have to be a deficiency provided before Congress adjourned, and that was the reason it was left out originally. The explanation the chairman makes now is after obtaining such information.

Mr. COOPER of Pennsylvania. I would like to ask the chairman of the committee whether or not this deficiency for the State Department includes the item for printing 3,000 copies of Consular Regulations and Treaties, and so forth, in two volumes, which the State Department has requested.

Mr. TAWNEY. My information is that the appropriation is for the purpose of meeting that expenditure in part.

Mr. COOPER of Pennsylvania. There was a resolution introduced at the close of last session, which is before the Committee on Printing at the present time, and the committee would like to have that information, as that would conclude the matter.

Mr. TAWNEY. It is my information that part of this money was to be expended for that purpose. I will say that the \$50,000 for the Agricultural Department is for the purpose of enabling that department to enforce a law that goes into effect on January 1.

Mr. FITZGERALD. Is that the only amendment? Is it possible to obtain a copy of it?

Mr. TAWNEY. That is the only amendment relating to the Agricultural Department.

Mr. HUGHES of New Jersey. Will the gentleman yield? I notice a Senate amendment appropriating \$1,600 for some sort of a claim. Was that considered by your committee?

Mr. TAWNEY. Yes; but it is not a claim. Certain property belonging to a citizen of the District of Columbia, while in the possession of the Superintendent of the Capitol, was destroyed or was damaged, and it became necessary for him to have the same repaired. The expense incident to the repairing is the amount which was carried in this Senate amendment.

Mr. HUGHES of New Jersey. Can the gentleman state to whom that property belonged?

Mr. TAWNEY. I can not. It belonged to a citizen of the District of Columbia, and the Superintendent of the Capitol had rented the property temporarily while in the discharge of his official duties. The property was damaged, and this is for the purpose of reimbursing the owner of the property for the expense incident to the repairs of that damage.

Mr. HUGHES of New Jersey. Do I understand, then, that the gentleman's committee has not considered this proposition?

Mr. TAWNEY. It has not been before the committee, but it is a matter that I have personally investigated, and I have inquired of the Superintendent of the Capitol in regard to it and found that it was a fact.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. Certainly.

Mr. MANN. I think we passed this deficiency bill one day last week, and on the same day the Senate passed it with five different amendments. Now, can the gentleman tell us how it happened that we passed a deficiency bill which does not include five items of deficiency, and on the same day the Senate has knowledge of those deficiencies which the House Committee on Appropriations does not have?

Mr. TAWNEY. I will say to the gentleman from Illinois that each one of these amendments had been agreed to by the Senate and were brought to the attention of the Committee on Appropriations after the urgent deficiency bill was reported to the House.

Had the urgency or the necessity of their enactment at this time been brought to the attention of the committee before the bill was reported, they would have been included. For example, as to the amendment making an appropriation of \$50,000 for the Agricultural Department, while a public document or estimate had been submitted to Congress and referred to the Committee on Appropriations, I did not know at that time that the law in respect to this subject would go into effect on the 1st of January, and there was no money with which to enforce that law.

Mr. MANN. I have no criticism to make of the gentleman or of his committee; but I wondered whether the department had reached the conclusion that it had better send the estimates of the deficiency on some of these items to the Senate committee, rather than to have them considered by the House committee.

Mr. TAWNEY. No; I will state frankly to the gentleman from Illinois all these amendments were estimated for before the urgent deficiency appropriation bill was reported to the House, but knowing that there were one or two items that were of importance and that ought to be appropriated for before the holiday recess, I did not take the trouble of calling before the committee the representatives of the department that had previously made these estimates. After the bill was reported, the representatives of the department found that these deficiencies were not included in the bill. Then they came to me and asked if it would not be possible to get them in before the bill passed.

Mr. MANN. It would have been in order to offer the amendments in the House the same day the amendments were adopted in the Senate.

Mr. TAWNEY. That is true.

Mr. KEIFER. But the House Committee on Appropriations had not considered them.

Mr. TAWNEY. That was the reason I did not feel justified in assuming the responsibility myself of offering the amendments.

Mr. BENNET of New York. Will the gentleman allow me to ask him a question?

Mr. TAWNEY. Certainly.

Mr. BENNET of New York. I do not find in the record of the Senate proceedings of December 17, on page 440, that any amendment whatever for the Agricultural Department was placed before the Senate or adopted.

Mr. TAWNEY. If the gentleman does not find it, it was in the bill as reported from the committee to the Senate.

Mr. BENNET of New York. The amendment would have to be in the RECORD even then.

Mr. TAWNEY. I only know they came over and told me it was in.

The question was taken, and the amendments of the Senate were concurred in.

PAYMENT OF DECEMBER SALARY OF EMPLOYEES OF THE SENATE AND HOUSE.

The Speaker laid before the House, from the Speaker's table, Senate joint resolution 130, a similar House resolution being on the calendar.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol Police, their respective salaries for the month of December, 1910, on the 21st day of said month.

Mr. DAWSON. Mr. Speaker, I move the adoption of the Senate joint resolution.

Mr. HUGHES of New Jersey. Mr. Speaker, pending that motion, I would like to ask the gentleman if it would be possible to so arrange that Members' clerks' salaries may be included in this resolution.

Mr. DAWSON. This is the customary resolution.

Mr. HUGHES of New Jersey. I understand that.

Mr. MANN. I would suggest to the gentleman from New Jersey that there is a very easy way of arranging that matter.

Mr. HUGHES of New Jersey. So far as I am concerned, there is.

Mr. MANN. Just advance it.

Mr. HUGHES of New Jersey. I proposed to do that; and it has been done.

Mr. DAWSON. If the gentleman will allow me, this being a joint resolution, it is necessary to pass it as early as possible so as to receive the signature of the President.

The question was taken and the joint resolution was ordered to a third reading, read the third time, and passed.

Mr. DAWSON. I move that the House joint resolution (H. J. Res. 247) on the same subject be laid on the table.

The motion was agreed to.

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (S. 9439) to amend the act regulating the height of buildings in the District of Columbia, approved June 1, 1910, a similar House bill (H. R. 29160) being upon the House calendar.

The bill (S. 9439) was read, as follows:

Be it enacted, etc., That the act entitled "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910, be, and it is hereby, amended by adding at the end of the third paragraph of section 5 of said act the following proviso:

"Provided, That any church the construction of which had been undertaken but not completed prior to the passage of this act shall be exempted from the limitations of this paragraph, and the Commissioners of the District of Columbia shall cause to be issued a permit for the construction of any such church to a height of 95 feet above the level of the adjacent curb."

The bill was ordered to a third reading, was accordingly read the third time, and passed.

On motion of Mr. GOULDEN, a motion to reconsider the last vote was laid on the table.

On motion of Mr. GOULDEN, the bill H. R. 29160 was ordered to lie on the table.

PANAMA CANAL EXPOSITION.

Mr. KAHN. Mr. Speaker, I ask unanimous consent that the Committee on Industrial Arts and Expositions be discharged from further consideration of the bill H. R. 12285, and that that bill lie upon the table.

The SPEAKER. The gentleman from California asks unanimous consent that the Committee on Industrial Arts and Expositions be discharged from the further consideration of House bill 12285, of which the Clerk will read the title, and that the same do lie upon the table.

The Clerk read the title of the bill (H. R. 12285) to provide for celebrating the opening of the Panama Canal, and also the four hundredth anniversary of the discovery of the Pacific Ocean by Vasco Nunez Balboa, by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea, at the city of San Francisco, in the State of California.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. KAHN]?

Mr. WICKLIFFE. I object.

Mr. KAHN. Mr. Speaker, I hope the gentleman will reserve his objection.

Mr. WICKLIFFE. I will reserve it.

Mr. KAHN. Mr. Speaker, I introduced this bill on December 6, 1909. At that time the people of San Francisco contemplated an exposition to celebrate the opening of the Panama Canal. This bill provides for an appropriation of \$5,000,000 on the part of the Government. The people of San Francisco and the State of California have raised \$17,500,000 among themselves, and they do not desire a single cent from the Federal Government, and they do not desire this bill to be considered at all.

Mr. COX of Indiana. Will the people of your State ask for an appropriation to require the Federal Government to make an exhibit at the exposition?

Mr. KAHN. The people of my city will possibly do that later, but at the present time and during this Congress they do not propose to ask anything of that kind.

Mr. COX of Indiana. Have the people of your city or the committee in charge of the measure made any estimate as to the amount which they will likely ask, if any, for this purpose?

Mr. KAHN. The committee have been looking up the statistics to show what the Government has done heretofore at other expositions, but it is the present desire of the directors of the exposition company to submit that matter, if it is submitted at all, to Congress and ask the Congress to fix the amount. We will certainly not ask anything that will exceed any amount that has been allowed heretofore for a Federal exhibit.

Mr. LANGLEY. Mr. Speaker, I am a member of the Committee on Industrial Arts and Expositions. I desire to ask the gentleman from California if he has conferred with the chairman of that committee on this point, or advised him of

his intention to make this request for unanimous consent to withdraw his bill.

Mr. KAHN. No; I have not asked about it, but I know that we do not desire to be heard upon this bill. We do not desire the bill to be considered at all. Therefore we ask that it be laid upon the table.

Mr. LANGLEY. If the gentleman can defer his request until the chairman of the committee can be present, I hope he will do so. Otherwise I may feel constrained to object.

Mr. MANN. Will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. MANN. Has there been or is there any controversy, either open or secret, as to which committee of the House shall have jurisdiction of this exposition matter, and whether it be the Committee on Industrial Arts and Expositions or the Committee on Foreign Affairs?

Mr. KAHN. I think this bill is properly before the Committee on Industrial Arts and Expositions.

Mr. MANN. I understand that, but is there not a little controversy going on as to which committee should have jurisdiction of the matter?

Mr. LANGLEY. That is just the point I had in mind, Mr. Speaker.

Mr. KAHN. I do not know that there is any controversy. There is a resolution on the calendar at the present time, reported from the Committee on Foreign Affairs. Both New Orleans, which is also seeking legislation regarding the exposition, and San Francisco were heard before the Committee on Foreign Affairs. Both cities submitted themselves to the jurisdiction of that committee; that committee reported out both resolutions, and both resolutions are now on the House Calendar. This bill I introduced, and I desire to have it withdrawn.

Mr. MANN. The gentleman has announced his intention of not pressing the bill any further. What rights would be lost if the committee should retain jurisdiction of the matter?

Mr. KAHN. I have a copy of the New Orleans Picayune, of December 18, 1910, received this morning, saying that San Francisco has been ordered to appear before the committee January 5 on this bill. The paper states that "the Golden Gate crowd have not withdrawn their bill asking for Government aid;" that "it is now in order for Representative KAHN to withdraw his bill." Now, we do not want to be heard on the bill. We want to withdraw the bill and lay it on the table.

Mr. MANN. Then if you do not want to be heard on the bill, you do not have to appear.

Mr. LANGLEY. There is no compulsory process for your appearance.

Mr. KAHN. We prefer to have the bill laid upon the table.

Mr. WICKLIFFE. Mr. Speaker, I would like to state, in the absence of my colleagues, that, so far as their yielding to the jurisdiction of the Committee on Foreign Affairs as against the Committee on Industrial Arts and Expositions, such statement is incorrect. They are firmly of the opinion that the Committee on Industrial Arts and Expositions is the committee to deal with this matter. In view of the fact that none of these gentlemen are here, I shall insist on my objection to the request of the gentleman from California.

Mr. KAHN. Will the gentleman from Louisiana yield?

Mr. WICKLIFFE. I will.

Mr. KAHN. Is it not a fact that the entire legislature of Louisiana, or 90 per cent of the legislature, appeared before the Committee on Foreign Affairs in favor of your resolution?

Mr. WICKLIFFE. That was to meet the issue of the gentleman from California. San Francisco first made the issue before the Committee on Foreign Affairs, and we appeared before that committee to meet that issue, but it never was the intention of the Louisiana delegation to vest that authority in the Committee on Foreign Affairs. The rules of the House require that such a proposition should be treated by the Committee on Industrial Arts and Expositions, and we stand by that rule.

Mr. KAHN. I would like to ask the gentleman if one of the Members from Louisiana did not introduce a resolution, similar to the San Francisco resolution, which was referred to the Committee on Foreign Affairs, and did not your people have a hearing before that committee?

Mr. WICKLIFFE. If he did, I presume it was to meet the resolution of the California people. Mr. Speaker, I insist on my objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the legislative appropriation bill.

DUTIES ON MEATS.

Mr. KINKEAD of New Jersey. Mr. Speaker, pending that motion I ask unanimous consent to take up the bill (H. R. 26352) to suspend the levying and collection of duties on beef, and so forth, and that it be considered, and that the Committee on Ways and Means be relieved from the further consideration of that measure.

The SPEAKER. The gentleman from New Jersey will understand that under the rules of the House the power of recognizing for such a request out of its order has been taken away from the Speaker. The proper way is to file a notice, if it has not already been filed, on the Calendar for Unanimous Consent.

Mr. KINKEAD of New Jersey. Mr. Speaker, it has been filed, but realizing that with days like that of yesterday it would be impossible for me to call the bill up during the present session, I now ask to call it up.

The SPEAKER. There was nothing in yesterday's proceedings that interfered with unanimous consent; but it is proper for the Chair to state that the Chair is bound by all the rules of the House, without regard to what opinion the Chair might hold as to the wisdom touching the rules. If the rules create friction, any or all of them, it is for the House, acting through its majority, which is the master of all the business of the House, to furnish a remedy.

QUOTA OF RECORDS IN THE FIFTH PENNSYLVANIA DISTRICT.

Mr. COOPER of Pennsylvania. Mr. Speaker, pending the motion of the gentleman from Massachusetts, I offer a privileged report (No. 1801) from the Committee on Printing.

The Clerk read as follows:

House resolution 873.

Resolved, That the quota of CONGRESSIONAL RECORDS credited to the fifth district of Pennsylvania until the close of the Sixty-first Congress be distributed under the direction of the Committee on Printing.

Mr. MANN. I have no objection to that being considered, but I raise the point of order that it is not privileged.

The SPEAKER. It occurs to the Chair that it is not privileged.

Mr. COOPER of Pennsylvania. I ask unanimous consent that it be considered.

The SPEAKER. It will have to go to the calendar under the rules.

INVESTIGATION, DEPARTMENT OF THE INTERIOR.

Mr. COOPER of Pennsylvania. Mr. Speaker, I offer the following privileged report (No. 1793), which I send to the desk and ask to have read.

The Clerk read as follows:

Senate concurrent resolution 38.

Resolved by the Senate (the House of Representatives concurring), That there be printed as a document for the use of the Senate and House of Representatives 3,000 copies of the report of the committee and the views of the minority and the evidence taken, together with appendices, in the investigation made pursuant to public resolution 9, approved January 19, 1910, authorizing an investigation of the Department of the Interior and its several bureaus, officers, and employees, and of the Bureau of Forestry, in the Department of Agriculture, and its officers and employees, 1,000 for the use of the Senate and 2,000 for the use of the House of Representatives, and that there be printed in one volume 30,000 additional copies of the report of the committee and the views of the minority, 10,000 for the use of the Senate and 20,000 for the use of the House of Representatives.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. COOPER of Pennsylvania, a motion to reconsider the last vote was laid on the table.

LEGISLATIVE APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of H. R. 29360, the legislative appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the legislative appropriation bill, with Mr. CURRIER in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Mint at Carson, Nev.: Assayer in charge, who shall also perform the duties of melter, \$2,250; assistant assayer, \$1,500; chief clerk, \$1,600; clerk, \$1,000; in all, \$6,350.

Mr. MACON. Mr. Chairman, I reserve the point of order against that paragraph. There are two increases of salary in the paragraph.

Mr. GILLETT. Mr. Chairman, those increases are authorized by law. I would like to know why they are subject to a point of order.

Mr. MACON. I do not understand that they are authorized by existing law.

Mr. GILLETT. The statute provides that the salaries shall be not exceeding \$2,500.

Mr. MACON. The burden is on the gentleman to show that these two salaries against which I have reserved the point of order are authorized by the statute.

Mr. GILLETT. Mr. Chairman, it seems to me that this is a new development of parliamentary law, that the burden is on the defense.

Mr. MACON. It is always upon the defense in cases of this kind.

The CHAIRMAN. The rule provides that in Committee of the Whole the burden is on the gentleman in charge of the bill responsible for the raise.

Mr. GILLETT. Mr. Chairman, I will cite the statute. Section 3558, Revised Statutes, where speaking of the assay officers, it says that their salary shall not exceed \$2,500 a year each.

Mr. MACON. When were they fixed at \$2,000?

Mr. GILLETT. Mr. Chairman, I will explain to the House, because this applies to a number of officers under the mint. The gentleman will remember, perhaps, that last year there was a great reduction in the expenses of the mint. This year there is a saving in all the mint and assay offices of \$192,000 in the recommendations made by the Treasury Department—another of the economies of which I spoke at the beginning of the consideration of this bill. Now, in the carrying out of these economies there has also been a general reclassification of the offices, in order to make in different places the offices conform, both in work and salary, and in most places there has been a decrease, as is evident by the saving of \$200,000 or more, and here and there there has been a slight increase. This is one of the first places, and there has been an increase in this salary of \$500. That was done because it was found that nearly all of the other assayers of this grade were getting that amount, and in some cases the Treasury has cut down and in others, like this, has increased, in order to bring them together. The net result is the saving of \$192,000, which I think the gentleman will join in commending, and inasmuch as this is clearly not subject to a point of order—and I think, even if it were, he would not make a point of order—I urge that this amendment be allowed.

Mr. MACON. Mr. Chairman, this is another mysterious economy. I notice in the last bill that made an appropriation for this particular mint there was carried an appropriation of \$6,000, and in this particular bill there is carried an appropriation of \$6,350. For the mint at Denver, Colo., where they insist a reduction has been made, last year the appropriation was \$39,500, and in this bill it is \$48,100. In the appropriation for the mint at Philadelphia last year the appropriation was \$43,550, and in this particular bill it is \$80,300. I notice in the mint at San Francisco last year there was an appropriation of \$41,100, and this year it is \$54,300. Now, if those are savings or economies, I do not understand economy. It seems to me they have all been increased instead of decreased. Now, I do not know where this \$200,000 economy comes in.

Mr. GILLETT. I will explain to the gentleman. If the gentleman will only look through the bill and not just pick out one item, he will find it himself.

Mr. MACON. I have just cited several items, all of them in excess of what they were last year.

Mr. GILLETT. If the gentleman will look through the bill thoroughly he will understand, but the trouble is the gentleman does not. Now, take the case of San Francisco, of which the gentleman spoke. There was an appropriation last year of \$41,000 for salaries. This year it is \$54,000, an apparent increase, as the gentleman says, of \$13,000; but if the gentleman will look at the next item, which last year was for wages of workmen, and so forth, \$165,000, he will see this year it is \$155,000, and he would see that there is a decrease of \$10,000.

Now, it happens in San Francisco there is in the whole salaries a net increase, but it is not a net increase of \$13,000, as the gentleman thought. Now, take Philadelphia, to which the gentleman referred. Last year the appropriation for salaries was, as he stated, \$43,000, and this year it is \$80,000, an apparent great increase of \$37,000, but in the very next item in the allowance for wages of workmen, and so forth, last year it was \$340,000 and this year it is \$295,000, a reduction of \$45,000. Now, the reason there is this apparent increase is a reason, I think, which ought to commend itself to the gentleman and the House. It is this: That in the past there have been large lump appropriations for the wages of workmen and other employees. This year, following out what has been the desire and purpose of the House for many years, the Treasury Department has taken out from the lump-sum appropriation with which they employed clerks a large sum and put those clerks on the regular

roll, so that the House can see exactly what they are expending the money for, and consequently there is an increase on the salary roll, and it looks to the gentleman as if there were an increase of appropriation for salaries; but that really is taken out of the lump-sum appropriation which they have heretofore had, and while the increase of salaries was from \$43,000 to \$80,000, it is an increase of \$32,000, and a reduction is made in the lump-sum appropriation from \$340,000 to \$295,000, which is a decrease of \$45,000. So the gentleman sees in the whole saving the decrease is much greater than the increase, and we also have the additional security that now we know just how that money is expended, and these men are on the roll instead of being paid out of a lump sum. So two things are accomplished by this bill. In the first place, there is a net economy, and, in the next place, instead of their being paid out of a lump sum they are paid out of the regular roll. I hope that explains it to the gentleman.

Mr. MACON. That explains it in a way.

Mr. GILLETT. Is not that a satisfactory way?

Mr. MACON. It is a very good explanation of the matter; but there is one other thing I want to inquire into.

Mr. GILLETT. Certainly.

Mr. MACON. In the interest of economy if you find you have more persons employed in these various branches than you need and you desire to remove them, permit me to inquire why it is necessary to increase the salary of other employees?

Mr. GILLETT. Occasionally, as I told the gentleman before, we think that good policy. There are a few increases, a very few. It is desirable that the employees in the different mints shall be paid about the same rate. It was found the mint at Carson was doing about the same work as Boise, Helena, and Salt Lake, and it was thought that this mint ought to be put on a par with them, and therefore instead of giving \$2,000 the man receives \$2,250. That is done in very few cases. On the other hand, the gentleman will see when we get to Salt Lake, where the man got \$2,500, that we reduce him to \$2,250. It is simply to make these salaries uniform, so that men doing the same work shall receive about the same salary.

Mr. MACON. Then in the reorganization of all of these assay offices you insist that you have made a saving on the whole?

Mr. GILLETT. A great saving.

Mr. MACON. Of about how much?

Mr. GILLETT. About \$178,000 in the mint and assay offices.

Mr. MACON. And to encourage that reduction, Mr. Chairman, and to show my great appreciation of it, I will withdraw the point of order.

Mr. GILLETT. I presume the gentleman is led to that somewhat by the fact that the point of order is not valid.

Mr. MACON. I think the gentleman is mistaken, for I find here a chief clerk whose salary has been increased in this paragraph. The gentleman's law does not provide for that.

Mr. GILLETT. That is not subject to a point of order, of course.

Mr. MACON. The increase of salary of the clerk?

Mr. GILLETT. No.

Mr. MACON. I think it is, unless you show some law to the contrary.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

For incidental and contingent expenses, \$3,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of asking a question, if I may. I notice in this item and in several others there is a very large reduction in the proposed appropriation from the existing appropriation as to wages of workmen and other employees. Under the head of "Mint," I believe, the item is reduced from \$140,000 to \$94,000, and at the same place, for incidental expenses, from \$40,000 to \$30,000, and at New Orleans, under the head of "Wages of workmen," and so forth, from \$55,000 to \$6,540. Those are very large reductions. Has this money that has been appropriated before been expended for these purposes; and, if not, how much has been expended? And if it has been expended, how are you going to get along by reducing an item from \$55,000 to \$6,000?

Mr. GILLETT. Mr. Chairman, in that case it is because the mint at New Orleans has been practically abolished as a mint. It has been found, as the gentleman perhaps is aware, that very little gold comes in at that mint; so little that while this large force has been kept up, yet there has been practically nothing for them to do.

Mr. MANN. Is this large force kept up now?

Mr. GILLETT. It is still in existence.

Mr. MANN. Why do they not disband it? An appropriation authorizing the department to spend money for workmen does not require them to expend it if there is no necessity for it.

Mr. GILLETT. I can not say whether the force of workmen is kept up or not. I know the officials are kept up.

Mr. MANN. You still appropriate for the officials, do you not?

Mr. GILLETT. No; practically the whole mint force is disposed of. They keep it up as an assay office.

Mr. MANN. I am quite in sympathy with the efforts of the department to reorganize this mint and assay service. The gentleman a moment ago stated that the saving in this bill on mint and assay offices was \$170,000, or something like that, and the question occurred to me whether that was an actual saving or only a theoretical saving. When you reduce the item of workmen in one place from \$140,000 to \$94,000, incidental expenses from \$40,000 to \$30,000, and in one other item, that of workmen, from \$55,000 to \$6,000, it does not take long for these reductions to amount to \$178,000.

Mr. GILLETT. The gentleman will probably note that where there was a reduction in the workmen there was an increase in the clerical force. As I have stated before, they have been taking it away from a great many who were paid out of that lump sum and paying clerks out of it. In that case we have increased the clerical force, so that the net saving is not as large as the gentleman would think.

Mr. MANN. Take the Denver Mint, and you increase the expense of clerical and superintendent's force from \$39,000 to \$48,000?

Mr. GILLETT. That is an increase of \$9,000.

Mr. MANN. You allowed last year, under the item of workmen, \$32,500 for clerks. Is there an actual reduction in the amount to be expended; and if so, is it because of a reorganization or because there is no work to do?

Mr. GILLETT. Well, the gentleman means, I suppose, whether last year they used all the appropriation.

Mr. MANN. Whether they are using it or not.

Mr. GILLETT. That I can not tell him. There is this to be said: Much of this saving comes from the installation of new machinery, by which they dispense with a large force of employees. That, I understand, is just being installed, and until it is in operation they will still have a very large force, but whether the entire force is being employed this year I can not say.

Mr. MANN. I think the gentleman understands that under this reorganization plan there will not come in deficiencies for a considerable amount to fill up these appropriations.

Mr. GILLETT. I am confident there will not.

The Clerk read as follows:

Mint at Philadelphia: Superintendent, \$4,500; engraver, \$4,000; assayer, melter and refiner, and coiner, at \$3,000 each; chief clerk, \$2,500; assistant assayer, \$2,200; assistant coiner, \$2,000, and \$500 additional during present incumbency; assistant melter and refiner, \$2,000; cashier, and bookkeeper, at \$2,500 each; clerk, and deposit weigh clerk, at \$2,000 each; assayer's assistant, \$2,000; assistant cashier, \$1,800; curator, \$1,800; 2 clerks, at \$1,700 each; 8 clerks, at \$1,600 each; 1 clerk, \$1,500; 6 clerks, at \$1,400 each; 2 clerks, at \$1,300 each; 2 clerks, at \$1,200 each; 7 clerks, at \$1,000 each; 1 clerk, \$900; in all, \$80,300.

Mr. MACON. Mr. Chairman, I reserve the point of order against the paragraph, for the purpose of getting some information from the gentleman in charge of the bill. I notice in line 19, page 82, the committee has created a "curator" at \$1,800. What authority of law have you for creating curators on appropriation bills?

Mr. GILLETT. We could call him a clerk. In the sense that he has been given the new name, the office is created; but he has been there a great many years, and has been paid out of this lump sum, which I explained before to the gentleman. Now, instead of employing him under the lump sum, they show their hand, and put him right before us as "curator." Of course, he is the same as a clerk of class 3, and if you put him in as a clerk of class 4 it would not be subject to the point of order; possibly as "curator" it would. This specifies just what he is doing. He is in charge of the museum they have there for which we have appropriated \$500. It is an elaborate collection, and the salary is carried this way instead of being carried in the lump sum.

Mr. MACON. I also notice that in this paragraph making appropriations for the mint at Philadelphia that you have added 22 new employees. That seems to be an extravagance rather than an economy.

Mr. GILLETT. Well, that is true, apparently; but, as I explained before, they are not new employees, but new in name, and they were originally paid out of the lump-sum appropriation. If the gentleman will look at the lump appropriation for last year he will find that it was \$340,000, this year it is only

\$295,000. We strike out \$45,000 in the lump-sum appropriation, and we have only increased the salary roll from \$43,000 to \$80,000, an increase of \$37,000.

Mr. MACON. And you just change the title of this man from a clerk of class 4 to curator?

Mr. GILLETT. They called him curator, as they had a right to call him, under the lump-sum appropriation. We thought it was better to name him.

Mr. MACON. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. SLAYDEN. I want to ask the gentleman a question. I listened with a great deal of interest to the explanation the gentleman from Massachusetts made to the gentleman from Arkansas. I gathered from the statement he made that this year Congress was being dealt with frankly as to the number of employees and the nature of the employment of these various subordinates, and that heretofore there was, as I gathered from the gentleman's remarks, some deception practiced.

Mr. GILLETT. I did not intend to convey that impression. As the gentleman has followed the work of the Committee on Appropriations for a number of years he will know that there has been a continuous effort to abolish lump-sum appropriations.

Mr. SLAYDEN. Very wisely.

Mr. GILLETT. And make them specific. Now, we knew that out of this lump sum they were employing clerks. There was no deception on the part of the department.

Mr. MANN. The law provided for it.

Mr. SLAYDEN. Do not you think now, as a matter of fact, that the department ought to deal with Congress with perfect frankness, and that there ought to be a specific definition in each instance of what employees are so paid and what their duties are? In other words, how can we tell otherwise who are necessary and who are not? How can we economize without this information?

Mr. GILLETT. That is exactly it.

Mr. SLAYDEN. From the gentleman's statement I gathered the impression that heretofore Congress had been deceived by the method employed.

Mr. GILLETT. I did not mean to reflect on the department to that extent. They would have told us if we had asked, but we have allowed them to go on in this lump-sum way, and they naturally preferred it. It was in our power always to change it.

Mr. SLAYDEN. You are reducing the sum total of the appropriation, are you not?

Mr. GILLETT. Yes; and the credit of that is due to the Treasury Department and not to us. They have estimated for the reduction.

Mr. SLAYDEN. Does it arise from the fact that there is now a more specific definition of the employees than there has been heretofore?

Mr. GILLETT. I doubt if it does. I think we ought to give full credit to the department that they have started in with the zealous purpose of economizing, and I wish to give them praise for it. We are cooperating with them, but I think the initiative was in the department this year and last year.

Mr. HILL. The credit lies with the administration. The President of the United States is entitled to the credit for it.

Mr. SLAYDEN. If the gentleman from Connecticut will allow me to hold the floor until I have completed what I have to say, I shall be obliged to him. If these reductions can be made this year without impairing the efficiency of the public service, why have they not been made before?

Mr. GILLETT. I think because the administration in the past has not turned its eye to the question of economy as zealously as it might have done.

The CHAIRMAN. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For incidental and contingent expenses, including new machinery and repairs, exclusive of that required for the refinery, expenses annual assay commission, melters' and refiners' wastage, and loss on sale of sweeps arising from the manufacture of ingots for coinage, and wastage and loss on sale of coiners' sweeps, and not exceeding \$500 in value of specimen coins and ores for the cabinet of the mint, \$70,000.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last word. I desire some information from the chairman of the subcommittee in charge of the bill. You do not seem to have applied the principle of specific estimates to this item as stated by you a moment ago. Is it not possible to do so? This appropriates for incidental and contingent expenses relating to the mint at Philadelphia and other places.

Mr. MANN. That is the same as to all of them.

Mr. GOULDEN. I understood the gentleman from Massachusetts to say that they were attempting this year to be

specific, to itemize the various paragraphs, a very proper thing to do. This is a lump sum for incidental and contingent expenses, and it includes half a dozen different things in one lump sum.

Mr. GILLETT. There is a similar paragraph as to all the others, but they do not pay any salaries out of this. It is only in the case of salaries that we can itemize. We can not itemize all the contingent expenses.

Mr. GOULDEN. I understand, then, that it is not feasible to itemize this paragraph.

Mr. GILLETT. No; it is not.

Mr. GOULDEN. Is this item an increase or a decrease?

Mr. GILLETT. It is a decrease of \$10,000.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Mint at San Francisco, Cal.: Superintendent, \$4,500; assayer, melter and refiner, and coiner, at \$3,000 each; chief clerk, and cashier, at \$2,500 each; bookkeeper, \$2,000; assistant assayer, \$2,200; assistant melter and refiner, and assistant coiner, at \$2,000 each; assistant cashier, \$1,800; assistant bookkeeper, \$1,800; assayer's assistant, \$2,000; deposit weigh clerk, \$2,000; 1 clerk, \$2,000; 1 clerk, \$1,800; 6 clerks, at \$1,600 each; private secretary, \$1,400; 2 clerks, at \$1,400 each; 2 clerks, at \$1,200 each; in all, \$54,300.

Mr. MANN. I move to strike out the last word. I am familiar with the fact that the Committee on Appropriations is not a legislative committee; but I would like to ask whether that committee had brought to its attention by the officials who appeared before it the question of the desirability of abandoning the recoinage of foreign coins and the coinage of American gold that is presented to the mint.

Mr. GILLETT. I do not think that was suggested to us. I understand the department is considering it.

Mr. MANN. Oh, the department has very strongly recommended it and stated that we can save, I think, \$200,000 or \$300,000 a year if we cease to coin foreign coins that come to us into American coins and then export them, as we do, instead of exporting the foreign coins as foreign coins, or exporting the gold without coining. It is certainly a very desirable thing to do from the standpoint of economy and, as I understand, in the opinion of the Treasury Department it is a desirable thing to do, regardless of the question of economy. I did not know but that the department officials had made some statements to the committee.

Mr. GILLETT. There was no suggestion made to us about it.

Mr. LIVINGSTON. Not only no suggestion, but the Appropriations Committee is not aware of the fact that it would be an economy.

Mr. MANN. Well, I suggest to the gentleman that, being on the Appropriations Committee and dealing with the Treasury, it would be a wise thing for the gentleman from Georgia and other members of the Appropriations Committee to do the Secretary of the Treasury the honor to read his annual report. Doubtless they would obtain information which would be of value to them, and in their place I think it is their duty to read the report of the man who has control of the funds of the Nation, particularly the gentleman from Georgia, my friend who has been so long on that committee.

Mr. LIVINGSTON. I suggest to my friend from Illinois that the Appropriations Committee is not allowed to touch anything from the Secretary of the Treasury except his official estimates that come down through the Speaker and into the room of the Appropriations Committee. We are not allowed to go outside of that, and as far as promiscuous reading is concerned, I want to say that the Appropriations Committee has very little time for that kind of recreation. If we get our regular meals and time to smoke a cigar once in a while, we are thankful. [Laughter.]

Mr. MANN. The Treasurer's report is not promiscuous reading, I will say to the gentleman.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read:

The Clerk read as follows:

Assay office at Boise, Idaho: Assayer in charge, who shall also perform the duties of cashier, \$2,250; assistant assayer, \$1,600; chief clerk, who shall also perform the duties of cashier, \$1,500; assayer's assistant, \$1,500; 1 clerk, \$1,200; in all, \$8,050.

Mr. GILLETT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 84, in line 14, strike out the word "cashier" and insert the word "melter."

Mr. GILLETT. That is to correct a mistake in printing.

The amendment was agreed to.

The Clerk read as follows:

Assay office at Helena, Mont.: Assayer in charge, \$2,250; chief clerk, who shall also perform the duties of cashier, \$1,800; clerk, \$1,400; assistant assayer, \$1,700; assayer's assistant, \$1,400; in all, \$8,550.

Mr. MACON. Mr. Chairman, I raise the point of order on that paragraph for the purpose of obtaining a little information from the gentleman in charge of the bill as to the creation of this assistant assayer and assayer's assistant. They seem to be new.

Mr. GILLETT. The same explanation applies to them as I spoke of before. They have been carried for some time in a lump sum, and this transfers them from the lump sum to specific appropriations.

Mr. MACON. It simply designates them particularly.

Mr. GILLETT. That is all.

Mr. MACON. I withdraw the point of order.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I understand there has been one or two assay offices abandoned by this bill. Is it not a fact that we could profitably abandon most of the assay offices without injuring the service of the Government?

Mr. GILLETT. The Treasury Department is of that opinion.

Mr. LIVINGSTON. And that is our opinion.

Mr. MANN. Then why do not we do it?

Mr. GILLETT. I suppose the fear was that if we dropped too many at once, too many Members would be hit, and it might not carry in the House. I suspect that was the reason. The committee dropped two this year, the two which were of least service. I think that another year more may be dropped. The Treasury Department said that it believed they could nearly all be dropped, and I am not sure but all, with economy and benefit to the Government. The experience has shown in this House that it is wise to go slowly in such reforms.

Mr. MANN. Well, this House usually sustains efforts for reforms in that line. It is true that sometimes a bill which passes through the House after difficulty abolishing an office, when it becomes a law still has the office retained in it. I do not pretend to know whether you can abolish the assay offices, but if the Treasury Department believes that they might profitably be abandoned, and the committee believes that they might profitably be abandoned, I do not see why the House can not profitably abandon them as far as any information we have.

Mr. GILLETT. I would suggest that an effort is being made to abolish the mint at New Orleans. It has been abolished by the House, but we are by no means sure it has been actually abolished, because there is another Chamber that still deals with this bill and to be reckoned with, and it is by no means certain that that economy will prevail. The gentleman from Illinois, I know, fully recognizes the dangers and difficulties in disturbing any of these offices which are in the districts throughout the country and which various gentlemen feel is taking away from them a little patronage and prestige.

Mr. MANN. Mr. Chairman, I certainly have no desire to even have it intimated that I have made a criticism of the committee. I appreciate the difficulties and congratulate the committee on what it has done. Yet I can see no reason why it might not be possible to do this. It is sometimes more difficult to abandon one of several than it is all, because then the man who represents the district where the one is which is abandoned feels that he has been imposed upon. He can not explain to his constituents why he should be selected out for discrimination.

Mr. GILLETT. The gentleman appreciates the difficulty.

Mr. LIVINGSTON. If you abolish them all at one time, then you have to fight a combined force on the floor of the House, and you can not do it.

Mr. HILL. Mr. Chairman, I would like to suggest that after a somewhat extensive experience, covering a period of years, in efforts to abolish useless customs districts, we found it was utterly impossible to do it. Perhaps the gentleman will bear in mind the efforts that have been made, both by piecemeal and in bulk, to abolish the customhouses where the receipts were far less than the expenses, and invariably there has been a combination which has prevented anything of that kind. The gentleman is talking about small affairs. I want to call his attention to this fact, that between this city and Boston there are four subtreasuries, as useless as anything could possibly be—in Baltimore; perhaps in Philadelphia except for the fact that there is a mint there. Certainly they all might be abolished except possibly New York, and with great economy and to the advantage of the service. It is equally true in other parts of the country, and yet the gentleman has seen on the floor of this House within recent years most strenuous efforts to have new subtreasuries inaugurated in different parts of the country. I would gladly join with the gentleman in any effort of that kind, but it is not the way to do it, and he knows it, upon an appropriation bill. It ought to be done by law, as they were established by law, and I urgently and earnestly invite his co-operation in future in reducing the number of these useless

customs districts where large expenditures are made without any return to the Government.

Mr. MANN. Mr. Chairman, the gentleman has never invited my cooperation in that respect when he has not received it, but I do not recollect any occasion where he ever invited it when a vote could be taken. Take the question of the customhouses. That has been frequently referred to here as an instance of how you can not abolish offices. The fact is, that the receipts of the customhouses are no criterion whatever as to whether they should be abolished or not.

Mr. HILL. That is the old argument.

Mr. MANN. Because the issuance of clearance papers and all that has something to do with it. I do not know whether that is sufficient or not, but I know perfectly well that in the district which I represent there is no customhouse. There is a customhouse in the city of Chicago, but there is not in my district. Yet they have to maintain a deputy there, and for what? To get money? Not at all. There are no import duties paid there; nobody ever offers to pay a cent there; but he is maintained there because he has to perform certain duties as to navigation. I apprehend, and always have apprehended, that possibly that same thing existed as to some of these ports where they said they paid so much salary and received only a nominal amount. They pay a salary in my district and receive nothing. I am perfectly willing to have them abolish it, if they can, but they can not do it and have the duties performed.

Mr. KENNEDY of Ohio. Mr. Chairman, I wish to place before the House and the country some thoughts touching the regulation and control of interstate commerce and the interstate carriers of the country. I find a bill (H. R. 27297) to regulate, control, and restrict the issuance of stocks, bonds, and other evidences of indebtedness upon the part of such carriers that is generally intended to prevent in the future the watering of stocks.

It is no part of my purpose at this time to go into detail in the explanation of that bill, but to discuss in somewhat of a general way the great underlying principles which should never be lost sight of by the National Legislature or by the country in their future efforts to make their work along this line thoroughgoing, conservative, and complete.

It is one of the primary functions of every sovereign power exercising dominion over territory to provide highways for commerce and control the same, and in the framing of our Government the old masters who laid its foundations wrought far wiser than they knew and far better than most of us have appreciated. Acting for the American public, they parceled out to the various States, as separate agents of the public, some of the duties and functions of government, but clearly conferring on the National Legislature the right to control all the instrumentalities—all the roads and highways—which are available for interstate commerce.

Much confusion has arisen with reference to the power of Congress over the railroads by reason of the dual character of our Government. Separate States have chartered railroads and many have carelessly assumed that a railroad so chartered is only, therefore, a State institution, having no duty or obligation other than to the State and to the citizens thereof. This is a mistake. In the chartering of a railroad the State government acts not for the people of that State alone, but for the American public. While the public acquiesces in such action on the part of the several States, the State becomes the agent for every citizen of the Republic, and in that act it creates a trustee in the corporation to represent the whole public, enters into a contract with that corporation, and in the making of that contract it represents not the people of that State alone, but the people of every other State as well. In granting the power of eminent domain, it gives something which it—the State—never itself possessed.

The power of eminent domain is more fundamental than State governments or the National Government itself. It inheres in the public. It belongs to society itself. The State government has the right to grant this power to a corporation only because the State is the agent of the public for that purpose. I wish to make plain, if possible, that which has always seemed to me to be necessarily true, that all railroads in the country, constructed under charters conferring the right of eminent domain, are national roads, all available for interstate commerce, and all subject to national regulation and control. This must be true. It has been judicially determined time and time again that railroads so constructed belong to the public. Some have contended that the public referred to is limited only to the people living within the boundaries of the State granting the charter. This is untenable because the ownership of the highway is vested in all the public. The citizen living in Texas has as clear a right to use and enjoy,

upon equal terms, the railroads of Ohio as any citizen of Ohio. This right is secured to him by the Constitution of the United States. And what is ownership? What other definition can be given to ownership than the right to use, secured by law? Such right to use does not exist in the corporation itself. It is a mere trustee for the public, holding the naked, legal title to its right of way and its physical property in trust for the use of the public.

The public, therefore, now own the railroads of the country, and that ownership is exactly the same in every instance. It does not signify what State government had the power of attorney to act for the public in making a charter or contract between the public and the corporation building the road. The State government and the National Government might be destroyed, wiped out of existence by revolution, as was true in the Dartmouth College case. The creation of a corporation is an act of sovereignty. In the Dartmouth College case it was exercised by King George. When the sovereignty he exercised over the American colonies was wrested from him and resumed by the public the corporation was in nowise affected. Its powers and duties remained the same and its obligations to the public were unchanged.

The relationship between the public and the railroad corporation having once been fixed and established, by duly executed covenants and agreements, would remain binding and valid in every court of conscience that might be established in any new civil organization that might be erected, and the public would still own the railroads, and the railroad corporations would still have the right to retain the possession and take reasonable tolls on the commerce carried to compensate them for building, maintaining, and operating the roads.

There is a growing sentiment in the country to-day favoring what men term "Government ownership of railroads." The word "ownership" in this connection is carelessly used. Governments, when they hold title to property, in every instance are mere trustees holding the property in trust for the public, so that in discussing the two antagonistic schools of thought upon the subject of the American railway, the one which has for its slogan at present the words "Government ownership" should change that phrase, so as to be clearly understood, to "Government possession of railroads," while those of us who oppose Government possession stand for Government regulation of railroads. In either case the public will own all the roads and highways.

Underlying all authority in this country is one great incorporeal entity which we call the public. It created our complex Government consisting of States and Nation. Out from that same intangible thing of power and potency went to the several States authority for each State, acting for the public, to create corporations to be trustees for railroads, to convey from the public to such corporations the power of eminent domain to enable them to construct the railroads. This they have done. It is recognized law that where a charter granted to a corporation is accepted, acted on by the incorporators, and moneys expended in carrying out the purposes of the charter, that contract obligations arise between the newly created corporation and the public. The contracting parties are the corporations upon the one hand and the public upon the other. The contract thus made is binding and will remain so upon the parties thereto if the State government which issued the charter should be dissolved or pass out of existence the next day. The only way we can take from the railroad corporations in this country their rights to take tolls upon the commerce carried is by repudiating on the part of the public its contract with the railroad companies or by acquiring such rights by purchase from them.

The only property which a railroad company has is its right under its contract with the public to take tolls. This right it has, if its charter is perpetual, forever, and it is guaranteed to it by that clause of the Constitution guaranteeing the inviolability of contracts. That is the clause of the Constitution which protects the railroads in their rights, and not that clause in the Constitution with reference to the appropriation of private property. They have no private property.

The railroad corporation is a distinct part of our governmental institutions. It is the trustee of our railroads, and as thoroughly subject to regulation and control as is the Post Office Department of the Government. In one we have Government possession, while we operate the other through a corporation which we have created for that purpose under a contract, the terms of which are clearly implied in the charter of the corporation, and fixed, determined, and interpreted by a long line of judicial decisions. The power to regulate and control in the National Legislature is not one whit greater or more complete in the management of the Postal Department than it is to regulate and control the operation of the railroads.

The making of charges for the carrying of freight over our railroads are held to be legislative acts, like the levying of any other tax, and can only be fixed by the railroads in cases where the legislatures have neglected to perform that duty. The position I have here taken is fully sustained by an abundant weight of authority. Perhaps the leading and most instructive case upon this subject is the *Erie and North East Railroad v. Casey*, reported in Twenty-sixth Pennsylvania State Reports. Justice Black, announcing the decision of the court in that case, clearly defines the rights of the railroad company under its charter to be a mere franchise or incorporeal right to exact a reasonable toll or payment from the commerce passing over the road. This right to collect a payment comes to the corporation in consideration of its building the public way, maintaining and operating it. The functions of a railroad corporation are clearly defined, and should be as generally understood as those of any servant which the General Government employs.

Without proprietary right in the highways they are appointed to superintend them for the public. They are charged with the duty of seeing that every needed facility for the use of those thoroughfares shall be furnished to all citizens alike. Such services, if faithfully performed, are important and valuable, and the compensation ought to be a full equivalent, and the consideration running to the corporation for this service is the right to collect a toll upon the traffic which shall be reasonably sufficient for that purpose.

If it is always borne in mind that the American railway corporation is a public trustee, as much a part of our civil establishment as a municipal corporation or as the Postal Department of our Government, with the right unquestioned in the National Legislature to regulate and control under and by virtue of the powers given in the commerce clause of the Constitution, our duty would be apparent and manifest. We should no longer hesitate to assume jurisdiction over the financial transactions of railroad corporations. We make appropriations by Congress for the use of the Post Office Department, determining by legislative act what extensions shall be made, what amplification and enlargement of the service is required, and restrict expenditures accordingly, while no restraint whatever has been exercised over the trustees of our highways. They have been permitted to issue bonds and stocks against the credit of the public, said indebtedness becoming a direct charge upon the property of the public, without restraint or supervision, and it is a matter notorious that this license in the past has been grossly abused. Stocks have been watered, moneys have been raised for which there was no public necessity by the sale of bonds which were secured by mortgage upon physical properties which belonged to the public. We have had transactions in high finance in connection with our railroads that are a very great discredit to us as a people. A great many millions of loans that were not needed for legitimate railroad purposes have been raised by these public trustees, and the same have become a charge upon the public. It is a debt that the public must pay. It is well for us at this time to give a thought, in passing, as to where the blame should rest for this wholesale looting of the public, which has been the most prolific source of so many bloated fortunes in America.

I do not purpose to cry out with great and unusual bitterness against the railroad management which has grievously transgressed, for this, perhaps, has already been overdone by the muckraker and the shallow-brained uplift writers. There has never been a railroad security, stock, or bond wrongfully issued in this country for the wrongful issue of which the blame does not attach, in some measure at least, to the American public. The power has at all times rested in the hands of the public to have assumed supervision and control of these corporations. It could at any time have restrained them from making loans that were not required, from building railroads that were not needed, from issuing stocks to represent the increased physical valuation of public roads in order to pay stock dividends, thereby appropriating the increased valuation of public property to the private use of individuals who are stockholders of the railroad corporation. During all of these transactions the public has not been innocent. It has been guilty of the grossest kind of neglect of its own interests. It has, while represented year after year in Congress, permitted these companies, which were the public's own trustees and representatives, to issue these securities, which are in every true sense of the term the obligations of the public, which the public must ultimately pay or repudiate, while it, the public, kept silent while the money, much of it, was misappropriated. In view of these facts, I can not forbear from raising my voice on the floor of this House to urge that at this session we should at least enact a law to stop this evil—a law making it unlawful on the part of these public trustees to create obligations until some legislative authority has found and determined that there is a public necessity to incur such public debt; to also make it

unlawful to expend moneys raised by the issue of such securities for any other purpose than that for which the loan was authorized. This would be additional regulation along sound and correct lines, and it might prevent another wholesale looting of the public. We framed such a measure in the Committee on Interstate and Foreign Commerce in connection with the bill which passed Congress at the last session. This part of it, however, was rejected after a most confusing discussion involving the subject of the physical valuation of the railroads.

It is difficult to understand in what way the physical valuation of the railroads should affect either the issuance of stocks or the fixing of rates. The present value of the right of way of a railroad may bear no relation whatever to the cost of that same property when the public acquired it. I have in mind the Cleveland & Mahoning Valley Railroad, running through the city of Youngstown, Ohio, my home city. The right of way occupied by that corporation through the city of Youngstown is worth, I should think, a thousand times more to-day than it was when the company acquired it for the public. Its physical valuation, if taken to-day, would show that tremendous increase in value which has come to it during the years which have intervened between that year and this, while the property itself has belonged to the public. When the road was built Youngstown was but a village, originating a few thousand tons of freight to be carried by the road. To-day it is a great commercial city, where approximately 13,000,000 tons of freight originate annually. No more vicious scheme could possibly be contrived by the ingenuity of cunning financiers to water securities than to permit this corporation and others like it to capitalize from year to year the ever-increasing value of the physical property which they hold in trust, issuing securities against this increased value and appropriating such securities to their own private use. The increased value of properties thus held in trust by them belongs to the public and in no sense to the stockholders. The stock issues of a railroad company should never be greater than is necessary to raise money with which to construct, equip, and operate the property which they hold in trust for the public; and yet it may, even under the most conscientious management, be greatly in excess of the valuation of the physical property. As, for example, a corporation is chartered and created to construct a great railroad system to be operated by electricity, employing the system known as the third rail. Let us assume it is found necessary under a careful estimate made by competent engineers having the highest skill in the art, in its present stage, to use \$100,000,000 to build the road as planned. They go forward carefully constructing that system and conscientiously and honestly expend that money, when it turns out, perchance, that this whole scheme of operation proves unsatisfactory, and by mistake in judgment, which occurs in all new development, they lose one-half of their capital in what may be denominated experimental work. A physical valuation of the road as built under those circumstances shows that the property was worth but \$50,000,000, yet the trustees employed to construct the road have honestly expended \$100,000,000 in carrying out a plan that was specified in their charter, having been approved by the legislative judgment. No one for a moment would contend that the public would be justified in repudiating one-half of the stock that had been issued by the trustees to build and equip that public road, or that the tolls collected should have any relation whatever to the valuation of the physical property. Railway rates should be sufficient to compensate the railroad company for the money which it expended for the public in acquiring right of way for the public, constructing, equipping, and operating for it its highways. The railroad securities of this country, if they had been conscientiously issued, would fairly represent the public obligation to those who have built and are the trustees of these great highways, and if the public had never neglected its full duty of constant supervision over its own trustees, the fixing of rates now would be simple and easy. We would levy a tax upon the commerce passing over the road sufficient to pay fair dividends upon the stock and interest upon other securities. That would, in that event, be all that could be justly required.

Let us come, now, to the problem as we must meet it. The liabilities of these corporations have been increased upon every specious pretext—the purchasing of branch lines at many times their value; many roads have been built and stocks issued in large amounts for which little, if any, money was actually paid. Most of the new roads of this country have been built by the sale of bonds which were secured by a pledge of the public's own property in the road itself, the stock being all water. The public has silently acquiesced in all these transactions, while these stocks, notes, and bonds were, by the trustees who represented the public for that purpose, sold to innocent purchasers for value in the open market. The purchasers were in no man-

ner put upon their inquiry, nor is there any circumstance surrounding their acquisition of such securities to cloud their equitable status. Their rights are as high in equity as though those securities had brought their face value into the hands of the public trustees and that every dollar of it had been expended for the public welfare. These obligations are public obligations just as binding on the faith and credit of the American public as are national bonds. We may resort to whatever unscientific methods we may choose, but we can not escape the consequences of our past carelessness and neglect. Neither would it be wholesome for this civilization to escape the consequences of its own improvidence and lack of thoughtful attention to public affairs. Railroad rates should be based upon the outstanding obligations of our public trustees to whom we have intrusted the control of the highways, and when gentlemen advocate upon the floor of the House the valuation of the physical property of the railroads for the purpose of squeezing water out of railroad securities, they are pleading the baby act in the name of the public, and I do not believe that the public will thank gentlemen for that line of advocacy.

It is a good thing for an individual when he makes a mistake to meet the consequences like a man, repair the injury occasioned by his blunder, and profit by his experience. The American public, let us hope, is but beginning a long and brilliant career, whose triumphs shall be achieved with justice and chivalrous fairness to all, and, if I mistake not its temper, the public will want to bear bravely the consequences that must follow its own carelessness, and not attempt to shift the burden of losses, for which it deserves to suffer, upon the innocent holders of securities issued by its own trustees.

Freight rates will be higher, perhaps forever, in consequence of our redundant capitalization. This can not now be helped. But well and good if happily the lesson may be remembered forever! The public having stood quietly by, acquiescing, while the trustees in possession of its property contracted obligations that are liens upon the railroads themselves, do not stand as well in equity as do innocent holders of stocks and bonds, and must resort to no procedure to correct the wrong at the expense of the innocent that would smack of repudiation or confiscation. Freight rates levied should be just sufficient to meet the proper requirements of the railroad corporations, as trustees for the highways, to liquidate its legitimate expenditures as such trustees. These necessary expenditures can in no way be affected by the physical value of the railroad property itself. I can see no useful purpose that physical valuation of railroads in any event can serve. It may be said that it is necessary to have the railroads valued for the purposes of State taxation, but railroad corporations should not be required to pay taxes upon the public's property which they are simply administering for the public. They should be taxed by the State upon the business which they do, the tolls which they collect upon the franchise they enjoy, which is the only property they own.

Many gentlemen upon this floor apparently seem to think it proper and right for a railroad company to issue stocks equal to the value of its physical property, without reference to the expenditures of the railroad company. These stocks and securities issued should correctly represent the corporation's credit in its account with the public as trustee of the road, and if conscientiously administered it would do so. Many roads are built upon right of way that was donated to the public for this use. Why should the company be credited with the physical right of way that cost it nothing? When railroad companies have issued watered stocks they have simply padded their account as trustee for the public and gained thereby an unconscionable advantage which we now can never correct, because the stocks have passed into the hands of innocent holders. It is the part of wisdom now to take such action as will stop all future overcapitalization, pocket such losses as have already accrued, and establish and maintain supervision over the financial transactions of these corporations. The power to accomplish this in Congress is undoubted and ample. The advocates of physical valuation of railroads are leading the way to confusion and error worse confounded. In what way would it help us in making appropriations for the postal service to have a physical valuation of the post-office buildings of the country? The railroads belong as completely to the public as do the post offices of the country. The one is in possession of a Government bureau; the other is in control of public trustees, chartered for that purpose by sovereign authority delegated by the public to that end. The power to regulate is completely conferred on Congress by the commerce clause of the Constitution, and it follows, if these deductions are correct, that State lines must disappear when we come to the regulation of the railroads.

When the Constitution devolved upon Congress the duty to regulate interstate commerce it conferred every power that was

necessary. It is no longer an open question that Congress has the right to fix rates for the carrying of interstate commerce. To perform this duty it is absolutely necessary to fix also the rates of commerce within a State. The work can not be done separately. It would be as impossible to intelligently make appropriations for the postal service of the country and fix the rates of postage in Congress, if the separate States were permitted by their legislatures to fix the postage which might be collected by the postmasters for carrying letters from one city to another within the State. When the question comes to be determined by the Supreme Court as to the power of Congress to fix local rates over railroads wholly within a single State, that court, in following the rule laid down by Justice Marshall, must hold this power to regulate commerce vested in Congress is paramount, and that in the fixing of rates it will cover the field of all commerce, both interstate and intrastate. Wherever State regulation and adjustment of rates conflict with national law the State law must give way. In the management and supervision of our railroads State lines must disappear.

Another great evil which must not be lost sight of in the control of our railroads is the confusion on the part of the public's trustees of their public duties with their private interests. Officers in the Post Office Department have been sent to the penitentiary for trying to make private gain in connection with the performance of their duties as purchasing agents, and when an effort is made to prevent the railroad corporations from padding their account with the American public by issuing watered stocks and securities, it may be necessary, and probably will be, to exercise supervision and restraint over their letting of contracts for construction, their purchasing of locomotives, rails, and other supplies, for under the powers vested in Congress we have as complete authority to take and exercise supervision over these matters as the legislature of a State has to require municipalities to perform its public work by publicly letting it to the lowest bidder.

When we fix rates we must do so having regard to the necessities of the carrier and the outstanding obligations of the trustees and make them high enough so they can pay their fixed charges and running expenses, and in doing this we can not be fair to ourselves, to the shippers of the country, or to the future generations without seeing to it that the public does not suffer further by this conflict between public duty and private interest. Where the owners and holders in railroad securities are also the manufacturers of steel rails, of locomotives, and other supplies, and miners of coal, all large purchases should be under public supervision and public restraint, as should also contracts for railroad construction.

"That government governs best which governs least." It is to be greatly regretted that it has become necessary to embark upon a program of railroad regulation. But the fact remains that at this time it is necessary and imperative. It is neither desirable, nor is it possible, for us to longer delay this great work. The danger at present lies in the fact that our efforts to regulate may be misdirected. This danger is imminent, for many public writers are advocating what they call "physical valuation," and what is generally advocated by the press it seems impossible to resist, for it must be confessed that with public men in public life there is an almost universal tendency to follow the lines of least resistance and, with an eye single to reelection, adopt those views for which there is most clamor. And it was with a view of combating this demand for a physical valuation of railroads that I determined at this time to put my views into the records of Congress and to give them to the country. Why should we give prominence to the physical value of public property in the hands of public trustees, with the idea that that value in anywise affects or changes duties and obligations of the trustee to the public? Is this not an effort upon the part of some one to misdirect the public mind?

And will it not result in an inflation of the railroad corporation's credit account with the public which they serve, more tremendously than ever did the watering of stocks? I believe that the appraisal of the railroads' physical property to-day would be equal to or greater than the capitalization of the railroads. But who is to appraise them? And how are they to be appraised? If we embark upon this foolish enterprise, let us do it intelligently. Certain advocates think this appraisal should be made by deductions from the amount the railroad is found capable of earning. In order to ascertain whether the present rates are too high or too low, we appraise the railroad, computing its value from what it is now earning, from the rate it is now charging. Of course, if there is no mistake in the figures, the present rate will prove to be the proper rate for the valuation so ascertained. This seems to me to be reasoning in a circle. We have made no more progress than

did the Duke of Yorkshire, who marched up the hill and then marched down again. Others think that railroads should be valued for these purposes at what it would cost to reproduce them. Why should railroad companies whose roads were cheaply constructed on rights of way that cost little or were donated to them be given an advantage over the public which they serve in the matter of enhanced rates by reason of that unearned increment in value which has come to them by reason of cities building up close along their lines and mills and factories locating there? If this enormous increase in value that has come to all of the railroads of the country is to be made the basis for a further watering of stocks or higher freight charges, we are likely to effect little for the benefit of the public for which the future will feel grateful to us.

In the construction of western roads the public donated not only the rights of way, but an area of public land equal to seven or eight States like Ohio. In appraising those roads to determine the fixing of rates, should the corporation be credited with the value of that right of way? If so, upon what theory? If roads are permitted to in any way inflate their credit account with the public by any such method as this, it seems to me that there should be given a good reason for it. Let us get back to correct principles. The public trustees managing the railways should be permitted to levy a tax upon the commerce of the country for public purposes only. That should be limited to legitimate uses in carrying out and executing their trust. On what principle can they levy a greater tax? The fixed charges with which we are now burdened are evidenced by existing securities and stocks. They have been issued by public trustees with the acquiescence and consent of all the public. Many of them, perhaps more than half of them, were needlessly issued, but they are now our obligations, put forth by our agents, and I deplore upon the part of the public any effort to shoulder the loss upon the holders of such stocks. The business men conducting the railroads, many of them, went forward with the same misunderstanding of their true character as officers of railroads which the advocates of physical valuation are manifestly laboring under now, and when we contemplate the tremendous temptation under which we left them, by our wanton carelessness and inattention to our own interests, we perhaps ought to compliment our railroad management for their moderation in despoiling the public no more than they did. The capitalization of our railroads, while it is much greater than it ought to be, is little, if any, greater than it would be if the railroads were to be constructed now, and it is manifestly the part of wisdom to accept the situation as it is, and now without further delay assume supervision over all the financial transactions of these, the trustees of our highways, permitting the making of such rates as will enable the railroad companies to maintain and operate their roads, including within their requirements as trustees such fixed charges as interest on bonds and dividends on stocks.

If the railroads have been constructed through barren territory that does not produce traffic enough to stand a sufficient tax for this purpose, the bondholders and the stockholders will have no just ground of complaint if their interest and dividends be not paid, for this was a risk they took when they purchased their stocks and bonds. It is inevitable that any effort to handle this great question that loses sight of these underlying principles will produce infinite confusion and infinite trouble. Let us accept the capitalization of the railroads as a thing which can not be changed. Let us immediately do that which we have so long neglected. It is only a short time since that one of our railroad companies issued twenty-nine millions of stock that was pure water. That, in effect, has put an added burden upon the public, upon the consumer, upon the whole country, that can not be remedied now. The stocks have passed into the hands of innocent holders. The contemplation of these things ought to impress us with the necessity of prompt action. We should not permit Congress to adjourn without some action upon this matter.

In pressing this bill for a passage at this session, I would have no one infer that I do not believe it to be necessary, as quickly as possible, for Congress to assume complete supervision and control over the expenditures of railroad companies.

Our railroad companies and other like public corporations of this country are the only trustees of which I know who are not required to make any public accounting. We have no system of auditing the public moneys which they raise by a tax upon our commerce. They are regularly constituted commissioners of our railroads, and annually there is collected an enormous amount, over the expenditure of which there is no public supervision, no public audit. It is like pouring immense treasures into a bottomless pit, when no one knows how it escapes. There should be public supervision of expenditures upon the part of the rail-

roads, all moneys collected by them accounted for, and when this is done there will be no difficulty in ascertaining when rates are too high, because surplus funds will quickly accumulate. When more money is being raised than is required for legitimate public purposes, a surplus in the treasury will quickly appear. It is along these lines we must move, if our efforts are to accomplish good. This is not new nationalism. It is only getting away back to where our ancestors were when came into existence the law of the common carrier.

I have been amazed at how many of the Members of Congress refuse to lend assent to the plain truth that the public now owns the railroads. Some say that it is by reason of the fact that they are common carriers that we have a right to regulate them. Gentlemen forget that the very primary reason for all those restrictive rules known as the law of common carriers was that the carrier used a public highway. He is a common carrier, because the thing of greatest value which he employs in his activity is public property, the common property of all. This kind of regulation accomplishes every good that the Socialist talks of when he clamors for Government ownership or Government possession.

By doing our duty along these lines we get every advantage desired and escape these tremendous evils that would come with Government possession, evils which no judicious person can contemplate without fear for the very integrity of the Republic itself. The taking into politics and covering directly into the Government service such a tremendous army of men as are engaged in our great transportation systems would be incompatible with popular government. It would make impossible the consideration of great public questions and direct the efforts of political parties to the control of patronage alone. There is absolutely no difficulty in making laws to keep the expenditures of these public moneys within proper restraint. Can anyone think of any reason why the receiver of a railroad company when in charge of a railroad should have his accounts audited and publicly examined that does not call with equal force for an accounting upon the part of the railroad company for the manner in which it expends public moneys raised by a tax in administering its trust? When a receiver is appointed by a court to take charge of a railroad company that has become financially involved the court supervises and controls his issuance of receiver's certificates to raise money needed in the execution of his trust. He is permitted to borrow no more money in that way than is required for railroad purposes. What would be thought of a judge who upon such application would direct a physical valuation of a railroad to be made and authorize the issuance of as many certificates as could be based upon such physical valuation without making any inquiries whatever as to the receiver's necessities? And yet, if I am able to comprehend the purpose for which a physical valuation is asked by its advocates, it is nothing else than this. The receiver's certificates become a charge upon the public highway just as do stocks and bonds issued by the railroads. The receiver has just as much right to borrow up to the limit of the value of the property which he holds in trust for the public, use so much of that money as he needs in his trust capacity, and appropriate to his own use the balance, as has a railroad company to do the same thing. Practices like this do not become right by prescription.

All of the malfeasance and malpractice of our railroad corporations have grown up from a confused and vague conception of the nature of our railroads. While everyone will promptly admit that the railroad is not private property, few seem to comprehend that it belongs to the public. There is no distinctive characteristic of private property about it. A railroad can not sell its own railroad. It can not destroy it. It can not abandon it.

Thus far in attempting to regulate and control we have manifestly undertaken to do the least essential thing that should be done—the fixing of rates. If we had thoroughgoing control and supervision of the expenditures of these trustees of the public moneys they are permitted to collect, the necessity to fix rates would largely disappear. Their rates would not be extortionate if they were not permitted to embezzle the public's funds so raised and devote the money to private use.

The public lands that were donated to the western roads were donated to them in trust as trustees for the purpose of constructing and building certain railroads, and the public should have maintained a strict supervision over the administration of that trust and seen to it that every dollar realized from the sale of such lands was used for the public service and for the public good. But whatever mistakes we have made are behind us. It serves no good purpose now to inflame the public mind with bitterness at the rapacity and greed of those whom we have trusted when they forgot the public welfare and

thought only of their private interests. This is a time when we ought to have thoughtful, considerate, and constructive legislation, and I am persuaded there is nothing more dangerous to constructive legislation than sounding and abusive declamation which drives away sober thought, and abounding enthusiasm under weak-minded control, which silences with its clamor every judicious and thoughtful mind and misdirects every effort at real progress.

Just one statement in conclusion. The branch of our Government I have been discussing, that in charge of the railroads, annually levies a tax upon the consumer of more than \$2,000,000,000. This sum equals the entire circulating medium of the Nation. Every dollar of our money is paid once every year to the railroad companies for freight rates alone. Every dollar of the public funds so collected is expended without any public supervision whatever and without any public audit.

The Clerk read as follows:

Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, \$2,250; assistant assayer, \$1,600; chief clerk, who shall also perform the duties of cashier, \$1,600; clerk, \$1,400; in all, \$6,850.

Mr. HOWELL of Utah. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by striking out all after the word "Utah," on line 3, page 87, down to and including "dollars," in line 9, and insert the following:

"Assayer in charge, who shall also perform the duties of melter, \$2,500; assistant assayer and cashier, \$1,600 each; clerk, \$1,400; in all, \$7,100: *Provided*, That the cashier shall perform the duties of the assayer in charge in his absence."

Mr. HOWELL of Utah. Mr. Chairman, the effect of this amendment is to restore to the bill the language of the current law. The assayer in charge of the office at Salt Lake by law has his salary fixed at \$2,500. He has been receiving that salary since the office was created. There is no uniformity in the salaries paid to assayers or to chief clerks. I notice the chief clerk in the office at Helena receives \$1,800, as against \$1,600 for the chief clerk at the Salt Lake City office. Furthermore, the amount paid to the clerical force in the office at Salt Lake, which is said to have about the same rank as Helena and Boise, is less than either of those places. The clerical force at Helena gets \$8,500; in Boise it is \$8,050; and in Salt Lake the total expense of the clerical force is at present \$7,100, and as proposed by this bill \$6,850. Now, Salt Lake is one of the metropolitan cities; it is a city where the cost of living is greater than in smaller cities.

Mr. GOULDEN. Will the gentleman yield for a question?

Mr. HOWELL of Utah. Certainly.

Mr. GOULDEN. Can the gentleman from Utah give us the volume of business done at Salt Lake?

Mr. HOWELL of Utah. I have not the figures for the past year, but I can say this: The business of the office is increasing and the duties of the assayer in charge are becoming more important every year.

Mr. GOULDEN. Can the gentleman tell us approximately about how much business is done there annually?

Mr. HOWELL of Utah. About \$2,000,000, I should assume. I have not any data, but that is my opinion. There is another feature in the amendment to which I desire to call the attention of the committee, and that is that when the clerical force was organized it was done under the personal supervision of the Director of the Mint, and instead of having a chief clerk as in other offices a cashier was provided who is a practical assayer. Under existing law the cashier is designated to perform the duties of the assayer in charge in his absence. This provision has been left out of the present law, and I think that it is important that it should be included. So that the essential points of my amendment are to give the assayer in charge the salary to which he is entitled by law and which, up to the present time he has received, and to provide that the cashier shall perform the duties of the assayer in the absence of the assayer in charge.

The administrative and clerical force of this assay office as now constituted by current law most perfectly meet the conditions in this office. When this office commenced business its organization was made under the personal direction of the Director of the Mint, after careful and full consideration of all the attending circumstances. The arrangement then perfected has continued up to the present and has proven to be entirely successful and satisfactory in operation. There ought not to be any change at this time. As I have already shown, the business of the office is conducted in an efficient and economical manner, so that it performs about the same business as Boise and Helena at a substantial reduction in the cost of the administrative and clerical work. The gentleman in charge of the office has shown great ability and efficiency, and with the

increasing business and responsibility of the position the salary is even now meager and inadequate compared to the pay of other services requiring the same ability in that locality.

Mr. GILLETT. Mr. Chairman, I regret that I can not assent to the argument of my friend from Utah. This illustrates the difficulties which we find in trying to economize in the different assay offices. Now, this is one of the offices of which I spoke originally in answer to the gentleman from Arkansas [Mr. Macon], where I said the department was trying to equalize the salaries of the offices of about equal rank. Here at Salt Lake it has been for some time \$2,500, and the department advised that this is practically an office of the same rank as Boise and Helena, where they are receiving \$2,250—

Mr. HOWELL of Utah. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. HOWELL of Utah. Did the committee observe that the clerical force in the offices at Helena and at Boise—offices of about the same rank and performing substantially about the same work as the Salt Lake office—costs the Government for clerical service considerably more than the Salt Lake office?

Mr. GILLETT. I am coming to that. And consequently the committee, believing that the department was justified in its recommendation, followed its recommendation and reduced it from \$2,500 to \$2,250, making it of the same rank as at Boise and Helena; but, as a matter of fact, instead of performing, as the gentleman suggests, about the same work as Boise and Helena, it really performs much less. Last year, for instance, at Boise and Helena they had about 850 deposits, which in the case of Boise amounted to over \$800,000 and in the case of Helena amounted to over \$2,000,000, whereas in Salt Lake City the deposits were only three hundred and thirty-odd, amounting to less than \$1,000,000, which was less than half as much as at Helena.

There should consequently be required a larger force at Helena than at Salt Lake City. As a matter of fact, the work done at Salt Lake City, as the figures show, is less than at either one of the other two offices, and although the gentleman's city is undoubtedly more of a metropolitan city than the other two, inasmuch as the work was less we thought we were treating it fairly to put the compensation of the assayer exactly the same, and to give the clerical assistance in proportion to the work. That was the estimate of the department, and that is what has been done.

As to the amendment which the gentleman offers relating to the chief clerk, if he is the proper person to perform the duties of the assayer in his absence, I have no objection if that should be offered as a separate amendment, and will accept it, but I do think the House ought to sustain the department and the committee in keeping this salary at the same rate as the two other salaries in two other offices in that region, both of them performing larger service.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. HOWELL of Utah. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Utah offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting after the word "dollars," in line 8, page 87, the words:

"*Provided*, That the chief clerk shall perform the duties of assayer in charge, in his absence."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For incidental and contingent expenses, clerk hire, not to exceed \$2,250; janitor, not to exceed \$900; traveling expenses of the governor while absent from Juneau on official business; rent of offices and quarters in Juneau, stationery, lights, and fuel, to be expended under the direction of the governor, \$7,150.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word. I desire to elicit some information, largely from mere curiosity, as to the language on page 87 of the bill, under expenses for the governor of Alaska, concerning traveling expenses of the governor while absent from Juneau on official business. On page 88 I see substantially the same language as to the traveling expenses of the governor of Arizona, New Mexico, and Hawaii, with this exception, that in the Territories of Arizona, New Mexico, and Hawaii the amount of traveling expenses of the governor is limited to \$500, while the amount of traveling expenses for the governor of the District of Alaska is unlimited. I am a little curious to know why the amount of the traveling expenses is limited as to Arizona, New Mexico,

and Hawaii and unlimited for the governor of the District of Alaska, if the committee has any explanation for it.

Mr. GILLETT. I do not remember the point being brought up. It occurs to me—but this is just my guess—that the District is so enormous, obviously his expenses would be much greater, and when this appropriation was started it was probably pretty uncertain what they would be. We did not look at that; it was not called to my attention, and I can give the gentleman only my surmise.

Mr. COX of Indiana. I will be satisfied with that. Now, can the gentleman tell us whether this traveling expense allowed to the governor of Alaska is allowed to him while traveling over the District of Alaska, or is it only allowed to him while traveling abroad or out of the District of Alaska?

Mr. GILLETT. I can not. It says "official business." Coming to Washington might be official business, but I do not know whether that would be or not.

Mr. COX of Indiana. Is he allowed his traveling expenses now while traveling over the District of Alaska, as well as his traveling expenses while on a trip to the United States?

Mr. MANN. You may be sure if he is ordered to Washington—and he never comes unless ordered—he is allowed his traveling expenses.

Mr. COX of Indiana. Is he allowed his expenses now while traveling over the District of Alaska, while away from Juneau, the capital?

Mr. GILLETT. I think it is probable. I will read what it says here:

The extraordinarily long distances to be traveled over by the governor on official business throughout the Territory of Alaska, the high transportation rates which are invariably paid by this office make the former appropriation insufficient to cover traveling expenses, in addition to the rental of two buildings, employment of a private secretary, and other authorized charges.

Mr. COX of Indiana. I take it from that that he is allowed his traveling expenses while traveling in the District of Alaska.

Mr. GILLETT. Certainly; on official business.

Mr. MANN. Is it not a fact that he gets his expenses when he is not only traveling to Washington, but living in Washington?

Mr. GILLETT. On official business, I think, very probably.

Mr. COX of Indiana. Is that paid out of this fund, too?

Mr. GILLETT. Probably.

Mr. MANN. I do not know whether this fund would be large enough to pay it, but we are sure it would be paid out of some fund. I regret the Delegate from Alaska is not here, because we might obtain information in relation to the subject from him. I do not believe the Delegate would make any special effort to protect the governor.

Mr. COX of Indiana. One purpose I had in making this inquiry was I recall the fact that the first year I was here, three years ago, the newspapers were criticising the governor of the District of Alaska very severely for being absent from the District and here in Washington for such a length of time.

Mr. MANN. It should be stated for the governor of Alaska that he is, practically speaking, the mouthpiece of the people of Alaska in their dealings with the General Government. There is no other procedure by which the governor of Alaska can perform his duty. It is different from that exercised by the authorities over any of the States. I suppose it is a fact, necessarily, that the governor of Alaska comes to Washington oftener than the governor of Arizona or New Mexico, and certainly more frequently than the governor of a State, so far as national affairs are concerned. He has to come here to represent Alaska before the departments.

Mr. COX of Indiana. Has he been here this year, is the gentleman able to state?

Mr. MANN. He does not do me the honor of calling on me.

Mr. COX of Indiana. Does the gentleman know whether he has been here?

Mr. MANN. I do not think it is time for him to arrive. [Laughter.]

Mr. STEPHENS of Texas. Will the gentleman permit me to ask him a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Until two years ago, I believe it was, there was no Delegate from Alaska, and no one to give the information from that Territory except their governor, and he rendered very valuable services before the committee I happened to be a member of and other committees he came before in explaining the affairs of that District.

Mr. COX of Indiana. Was he sent for by the committee?

Mr. STEPHENS of Texas. I do not know as to that; he was here, and he gave us information as to what was necessary, which was information we could not get elsewhere.

Mr. COX of Indiana. Was it essential that he come before the committee and give that in person?

Mr. STEPHENS of Texas. It is always more satisfactory to have a man present and explain the situation of the country than to send in a formal report. We could thereby learn more about it. But we have a Delegate now, and that same reasoning would not apply as it did before we had the Delegate.

Mr. GOULDEN. Will the gentleman from Indiana yield to a question?

Mr. COX of Indiana. Yes, sir.

Mr. GOULDEN. It seems to me that the gentleman has given some considerable attention to the expenses of the governor. Can he tell the amount the governor of Alaska spent last year?

Mr. COX of Indiana. I can not. That is what I am trying to elicit.

Mr. GOULDEN. Perhaps the gentleman from Massachusetts can tell us, approximately.

Mr. GILLETT. I did not hear the gentleman's question.

Mr. GOULDEN. Perhaps the gentleman can tell us approximately what was the amount of expenditure by the governor of Alaska last year for traveling expenses. I know it is limited.

Mr. GILLETT. I can not tell the gentleman.

Mr. GOULDEN. It is not more than you carried in the last appropriation bill, substantially, if not literally, for the same purpose.

Mr. GILLETT. Considerably larger than last year. Last year it was \$5,500; this year \$7,750.

Mr. GOULDEN. I appreciate the correction. Can the gentleman say how much of it was used?

Mr. GILLETT. There was only \$2,600 that he could have possibly used for that purpose, and out of that he had to pay for stationery, lights, fuel, and rent.

Mr. GOULDEN. And his traveling expenses also?

Mr. GILLETT. And his traveling expenses also; so that he could not have had a very large amount.

Mr. GOULDEN. And the Committee on Appropriations feels that this increase is essential?

Mr. GILLETT. It does.

Mr. GOULDEN. On whose recommendation was this increase made?

Mr. GILLETT. On the recommendation of the Secretary—

Mr. GOULDEN. Of the Treasury.

Mr. GILLETT. Of the Treasury. They said that it was insufficient last year. I do not think it is too large. That does not leave a very large amount.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

War Department, Office of the Secretary: Secretary of War, \$12,000; Assistant Secretary, \$5,000; assistant and chief clerk, \$4,000; private secretary to the Secretary, \$2,500; clerk to the Secretary, \$2,250; stenographer to the Secretary, \$1,800; clerk to the Assistant Secretary, \$2,400; clerk to the assistant and chief clerk, \$2,100; disbursing clerk, \$3,000; appointment clerk, \$2,000; 4 chiefs of division, at \$2,000 each; superintendent of buildings outside of State, War, and Navy Department Building, in addition to compensation as chief of division, \$500; chief telegrapher, \$1,800; 4 clerks of class 4; 4 clerks of class 3; 15 clerks of class 2; 19 clerks of class 1; 6 clerks, at \$1,000 each; clerk, \$900; foreman, \$1,200; carpenter, \$1,000; chief messenger, \$1,000; carpenter, \$900; skilled laborer, \$900; 6 messengers; 7 assistant messengers; telephone switchboard operator; assistant telephone switchboard operator; 2 messenger boys, at \$360 each; engineer, \$900; assistant engineer, \$720; fireman; 4 watchmen; 5 watchmen, at \$660 each; 8 laborers; 2 laborers, at \$540 each; hostler, \$600; 2 hostlers, and 1 watchman, at \$540 each; 2 elevator conductors, one at \$600 and one at \$470; 4 charwomen; in all, \$147,900.

Mr. MACON. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Arkansas reserve a point of order?

Mr. MACON. Mr. Chairman, I reserve a point of order against the paragraph, or make it, just as the gentleman wishes to have it. On page 90, beginning with line 5, I notice the salary of the disbursing clerk has been increased from \$2,500 to \$3,000.

Mr. GILLETT. I will refer the gentleman to the gentleman from Georgia [Mr. LIVINGSTON], who is most familiar with these places.

Mr. LIVINGSTON. Mr. Chairman, this is an increase. There is no doubt about that. The gentleman who is acting there as disbursing clerk has been in that position either as an assistant or as disbursing clerk for about 30 years. He does an immense amount of business. Owing to the fact the department itself insisted on this increase, we thought it was nothing but right to put him on an equal footing with the disbursing officer of the Treasury Department, who gets \$3,000. Let me say to the gentleman from Arkansas, as has been stated to him

before, that all through the bill we have endeavored to equalize salaries so as to stop contentions and bickerings on that line, and we have done so to some extent. In doing it we have reduced some and we have increased others. This was a man who was increased, and legitimately so. I mean to say that he was entitled to it; that he was backed by the department, backed by the Secretary, backed by the chief clerk, and backed by all the officials of the department.

Mr. MACON. I notice in line 10 on the same page it is proposed to give to the superintendent of buildings, outside of State, War, and Navy Department Building, in addition to compensation as chief of division, \$500, which is an increase of \$250.

Mr. LIVINGSTON. That is not an increase, although it appears so. Three years ago or two years ago—I am not sure which—this man was drawing this amount of money. In addition to his official duties as chief of the supply division, he was in charge of all the outside rented buildings of the War Department. By a mistake, so I am informed, that part of his compensation was left out of the estimate, and the Appropriations Committee, seeing that it was omitted from the estimate, supposed that some other party had been appointed to take charge of those outside buildings, and he was not appropriated for in the last appropriation bill for that reason. This time the War Department reinserted his usual salary in the estimate.

Mr. MACON. He was appropriated for last year at \$250, was he not?

Mr. LIVINGSTON. That is right.

Mr. MACON. This time you appropriate \$500.

Mr. LIVINGSTON. Yes; we put it back to where it was before.

Mr. MACON. I am afraid, Mr. Chairman—

Mr. LIVINGSTON. I want to say that if the gentleman from Arkansas could see the number of these buildings and their character and see the amount of work that this man has to do to take care of them, in watching over them and preserving them, and seeing that the contracts between the Government and the parties owning them are fulfilled, he would not begrudge this little increase of salary for that man. That is all there is in it. It is hard work, and he earns the money.

Mr. MACON. Mr. Chairman, I do not begrudge the small increases that are given to employees unless they are so numerous as to become a burden upon the people. I find many increases in this bill that gentlemen call small, though some of them are as much as \$1,000, and when added together total a very large sum. If we were to allow the committee to increase salaries by \$250, \$500, \$750, \$1,000, and so on, all through their many appropriation bills, if we should allow them to tease us into submitting to these increases one at a time because they do not amount to thousands or millions in every instance, there is no telling to what extent this extravagance in the way of yearly increases would go; and inasmuch as we have a rule upon that subject, and taking advantage of that rule is the only way in the world by which extravagant appropriations can be kept down, I can not see my way clear to do other than make points of order when these attempted increases appear in appropriation bills, and hence I must insist on my point of order.

The CHAIRMAN. The first point of order of the gentleman from Arkansas is directed to the words "three thousand," in line 6. May the Chair ask the gentleman from Massachusetts if the appropriation for this officer last year was \$2,500?

Mr. GILLETTE. It was.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GILLETTE. I move to substitute \$2,500—

The CHAIRMAN. The gentleman from Massachusetts will suspend until the points of order are disposed of. The second point of order, as the Chair understands, is directed to the words in lines 9 and 10—

In addition to compensation as chief of division, \$500.

May the Chair ask if that appropriation was made for last year?

Mr. GILLETTE. It was \$250 last year.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GILLETTE. Mr. Chairman, I move to amend by inserting the words "two thousand five hundred" instead of the words "three thousand," which were stricken out.

The Clerk read as follows:

In line 6, before the word "dollars," insert the words "two thousand five hundred."

The amendment was agreed to.

Mr. GILLETTE. Mr. Chairman, I now move to substitute the words "two hundred and fifty" for the words "five hundred," that were stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 10, before the words "dollars," insert the words "two hundred and fifty."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I want to inquire of the gentleman in charge of the bill whether it was on account of economy or otherwise that they dropped the messenger boy.

Mr. GILLETTE. The War Department suggested that they could dispense with his services, and therefore he was dropped.

Mr. MANN. I supposed that that was the case. Did they dispense with him as a messenger boy in order to pay him as a clerk a higher salary, which, of course, would be entirely proper?

Mr. GILLETTE. I think not. I think he was entirely dropped.

Mr. MANN. They actually cut out one of these supernumeraries up there?

Mr. FITZGERALD. Did the occupant of the office die? [Laughter.]

Mr. MACON. I notice in line 13 they add a clerk; whether it is this messenger or not I do not know.

Mr. MANN. They add a clerk at \$1,000, but he took the place of a \$720 man, that they left out. The messenger boy, as far as I can see, seems to be a total loss. [Laughter.] Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

The services of skilled draftsmen and such other services as the Secretary of War may deem necessary may be employed only in the Signal Office to carry into effect the various appropriations for fortifications and other works of defense, to be paid from such appropriations, in addition to the foregoing employees appropriated for in the Signal Office: *Provided*, That the entire expenditures for this purpose for the fiscal year ending June 30, 1912, shall not exceed \$25,000, and that the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask whether the annual statement, as provided in the paragraph, has been submitted to the committee.

Mr. GILLETTE. Yes; that has been reported.

Mr. MANN. As that report is evidently made by special requirement of the bill for the information of Congress, I think we ought to have it and know what it is.

Mr. GILLETTE. It is printed in the Book of Estimates. Would the gentleman like me to read it?

Mr. MANN. If not too long.

Mr. GILLETTE. I can state the substance of it.

Mr. MANN. That will do.

Mr. GILLETTE. There are about 30 employees. There is an electrical engineer at \$2,200, an assistant at \$2,000, numerous draftsmen from \$1,800 to \$1,200, and clerks, 2 electrical assistants, and the rest are clerks, messengers, and so forth. The whole expense was \$24,603.

Mr. MANN. I thank the gentleman. I will withdraw the pro forma amendment.

The Clerk read as follows:

Public buildings and grounds, office of public buildings and grounds: Superintendent, \$3,000; assistant and chief clerk, \$2,400; clerk of class 4; clerk of class 3; clerk and stenographer, \$1,400; clerk of class 1; messenger; landscape architect, \$2,400; surveyor and draftsman, \$1,500; in all, \$16,740.

Mr. MACON. Mr. Chairman, I reserve a point of order on the paragraph for the purpose of asking the gentleman if the superintendent at \$3,000 referred to under this head is not the same official that was appropriated for last year as an assistant engineer at \$2,400?

Mr. GILLETTE. This is a man that has been there for at least 12 years. He has had no promotion for eight years. The head of the department told us that his work had largely increased and that he has now under supervision the Highway Bridge; he is the superintendent of the monuments which have been erected, and the new Potomac Park, developed in recent years, is also under his jurisdiction. So that his labors are very much increased, and the position requires not only a man of ability, but of tact and judgment as superintendent, and the department very strongly urged upon us that we give him an increase of salary. Although it is subject to the point of order, we thought he made out a very strong case, and agreed to his suggestion.

The CHAIRMAN. Does the gentleman from Arkansas make the point of order?

Mr. MACON. Mr. Chairman, I notice a little lower down that they have added one clerk under "Public buildings and grounds," and I expect that he is going to perform a part of the duties that would otherwise fall upon this gentleman.

Mr. MANN. I would ask the gentleman to reserve his point of order for a little time.

Mr. MACON. Certainly.

Mr. MANN. Mr. Chairman, personally I have always had a great deal of interest in anything in the way of a park. At one time I was connected with the South Parks of Chicago, and I give myself the pleasure of frequently tramping over the parks in Washington, not being able to ride over them either in an automobile or a carriage, or possibly preferring to walk. There has been a wonderful development in the park system in the city of Washington since I have been in Congress and since the gentleman from Arkansas [Mr. MACON] has been in Congress.

Mr. MACON. And at a great cost to the people.

Mr. MANN. There has not been such a tremendous cost to the people. The additions to the parks have not been so expensive as the gentleman may think. I am not talking about purchasing land.

Mr. MACON. Does not the gentleman think it has been right expensive to the plowboy to build 85 or 100 miles of road in the parks of this city for the joy riders? I think the construction of these roads at a high price has been right expensive for the boy that does the plowing and helps to pay for it, the fellow that never gets to see them, even much less ride over them.

Mr. MANN. Mr. Chairman, the roads that have been constructed in the past have never been very expensive. I am not speaking of Rock Creek Park and the Zoo. That is under another appropriation. They have not been very expensive, and they are very efficient roads. Potomac Park out here, which used to be a swamp, is of inestimable value to this city, for a park, but it goes away beyond that, and the men who have developed that park at a very small expense, as compared with its value, and at not great expense in any event, have done a wonderful service to the country.

I do not know the superintendent of parks; I do not know that I have met him. It is quite possible that I have, however, because I have met a number of officials in the office of the colonel in charge at different times, out of my interest in the parks. This man, whoever he is, practically in charge of the park work—of course he has a superior officer who is an Army officer—I believe could at any time go to my town and get twice the salary that he gets here.

There is quite a demand on the part of large parks in cities for heads of parks, selected, as a rule, no longer upon the ground of politics, but because of efficiency in the management of the parks, and while the gentleman from Arkansas [Mr. MACON] may very properly and readily reply to this suggestion that the man ought to take such a position, and possibly that is true, on the other hand, we need an able superintendent of parks in this city.

In addition to the park that is now on that side of the railroad, as I understand, Potomac Park, we expect to fill up the swamp on the other side of the railroad and to gradually make it into a park without great expense, so far as that is concerned, converting an area of what is now, or formerly was, devoted to the breeding of disease, to the benefit of the people who either ride or walk over there. That requires, for economic management, the services of a man who is skilled and who is bright and understands his business. I do not know whether this salary is a proper salary for the man or not, but I will be quite content, as far as I am concerned, in preference to having the present superintendent leave Washington and taking chances on a new man, to pay him twice the salary that he receives now and think it was economy for the Government to do it.

Mr. MACON. Mr. Chairman, I have always understood—

Mr. STAFFORD. Will the gentleman yield?

Mr. MACON. When I get through with this statement. I have always understood that there has always been and will ever be some one ready to take the place of every employee of this Government, from the President down to the lowest official—

Mr. COX of Indiana. And anxious.

Mr. MACON. And anxious; and in response to what the gentleman from Illinois [Mr. MANN] says about this particular employee being able to get greater compensation for the same work if he will go to Chicago, I will say that I am always anxious to help anyone better his condition, so long as I do not have to do it at the expense of others who are not financially or otherwise as well fixed as the one whose condition I attempt to help better. Therefore, being assured that the gentleman can go to Chicago and get a better salary than he receives here, and desiring to help him do so, and being given an opportunity to help him to do it without burdening the people of this country with additional obligations, I am going to insist upon my point of order.

The CHAIRMAN. The point of order is sustained.

Mr. STAFFORD. Will the gentleman withhold his point of order on this very question?

Mr. MACON. Move to strike out the last word. I have already made the point of order and hence can not withhold it.

Mr. STAFFORD. If the gentleman could accommodate me—

The CHAIRMAN. The gentleman will suspend a moment—

Mr. STAFFORD. I am asking the gentleman if he will withhold his point of order.

The CHAIRMAN. The Chair desires to understand what the point of order is directed against. The Chair understood the point was directed against the words "superintendent, three thousand dollars."

Mr. MACON. Yes.

The CHAIRMAN. The Chair sustained the point of order, and those words have gone out.

Mr. GILLETT. Mr. Chairman, I move to insert, instead of the words stricken out, the words "assistant engineer at twenty-four hundred dollars."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "grounds," in line 6, page 99, the words "assistant engineer, \$2,400."

The question was taken, and the amendment was agreed to.

Mr. MACON. Now, Mr. Chairman, I move to strike out the last word, for the purpose of yielding to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. There is no purpose now in addressing the committee. I desired to speak on the question of the need of increasing the salary of the present occupant of the position to \$3,000.

Mr. MACON. I will say to the gentleman that I meant no disrespect to him by not withholding the point of order. I had made the point before I heard his request. I want it understood, however, that whenever the gentleman from Illinois fails to talk me out of doing anything, there is no use for anyone else to try it. [Laughter.]

Mr. STAFFORD. I recognize the gentleman regards so highly the opinion of the gentleman from Illinois, but as I had a personal acquaintance with the present occupant of this position, I thought perhaps I might supplement something that might sway the gentleman in addition to what the gentleman from Illinois stated as to the need of having a high-grade man in this position. It has been my good fortune to know this gentleman for several years, by reason of his relationship to some men in my district at Milwaukee, and knowing him I have been concerned in his work and in the kind of work he is performing.

I took the hearings to see what were the recommendations of his chief officer, Col. Cosby, as to the increase of his salary. He says in these hearings that the work has increased materially in the last few years; that he is charged with the supervision of the Highway Bridge over the Potomac; of all the improvements about the Potomac Park; of the maintenance and construction of all the public monuments in this city, and, in addition to that, I know that in the summer time he has under his employ some 400 employees to maintain the parks of this District. In addition to that he has charge of all the improvements about the White House, and also the management of the office buildings of the War Department outside of the State, War, and Navy Building. I was much gratified to hear the compliment that was paid him by my friend the gentleman from Illinois.

Mr. MANN. I may say I would have increased it if I had known he was the friend of the gentleman from Wisconsin.

Mr. STAFFORD. I think, in view of the statement of Col. Cosby, when he says that the work requires a man not only of good engineering ability, but of tact and discretion in a great many respects—I think that here is a man who should have his worth recognized. He has been tendered other positions in civil life, but for various reasons, perhaps not desiring to sever his public connections, he has retained his present position.

As the gentleman may know, the position of assistant engineer, who is performing this same character of work out in the field, receives \$3,000, and yet here is a man charged with a great deal more work, where living expenses are higher, who is receiving but \$2,400. I appeal to the gentleman whether he does not think, in view of the statement made by the gentleman from Illinois [Mr. MANN] as to the high grade of work that he has viewed in going through the parks and the testimonial of his superior officer, whether this man who has been in the employ of the Government now 10 or 12 years is not deserving

of some recognition for the high character of work he is performing?

I move, Mr. Chairman, to increase the salary of the assistant engineer, by striking out the words "two thousand four hundred dollars" and inserting "three thousand dollars."

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "two thousand four hundred" and insert "three thousand."

Mr. MACON. Mr. Chairman, I reserve a point of order on the amendment.

Mr. SHACKLEFORD. Mr. Chairman, just to render some little assistance to a man who has usually borne the heat and burden of doing these things, I make the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For foremen, gardeners, mechanics, and laborers employed in the public grounds, \$31,200.

Mr. MACON. Mr. Chairman, I move to strike out the last word for the purpose of replying to what my friend from Wisconsin [Mr. STAFFORD] said about compensating employees of the Government every time their duties increase in any degree.

To start with, if we were to adopt a rule to increase the salaries of all the officials of the Government who have added duties to perform because of the expansion of the affairs of the Government we would soon bankrupt it. I think we all get pretty nearly as much compensation as we perform service when we are working for the Government. I have noticed that there is a disposition on the part of those who are employed by the Government in various ways to soldier a little here and there. But aside from that, when the duties of our various positions increase to an extent where they become burdensome to us, I have noticed that the Government steps in and gives an assistant. They have given an assistant to Congressmen in the person of a clerk to help us in our work. And if the gentleman from Wisconsin will take this appropriation bill and go through it he will find that nearly everybody that is appropriated for is given an assistant to help him. They start out with the head of a bureau, and then they have an assistant to help him, and then they give that assistant an assistant, and so on down the line until you find that it is a little fellow getting about \$900 a year who is performing most of the duties that are under the control of some one higher up who is getting a much higher salary, perhaps \$5,000 a year. Rest assured that the Government is paying well for all of the service it gets. I withdraw the pro forma amendment.

The Clerk read as follows:

For purchase and repair of bicycles and revolvers for park watchmen and for purchase of ammunition, \$1,000.

Mr. MACON. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill the necessity for the increase in this paragraph:

For purchase and repair of bicycles and revolvers for park watchmen and for purchase of ammunition, \$1,000.

Last year the appropriation was \$400.

Mr. GILLETTE. The increase was for two purposes—one for revolvers and the other for bicycles. They said that a great many of the bicycles were worn out and they had to get a new supply.

Mr. MACON. How about the revolvers; were they worn out, too?

Mr. GILLETTE. They did not have any before.

Mr. MACON. You had the same paragraph here last year.

Mr. GILLETTE. They did not have any.

Mr. MACON. You appropriated \$400 for that purpose last year.

Mr. MANN. It is a dangerous thing to let one of these men have a revolver.

Mr. MACON. It is that; to turn them loose with guns you do not know what will happen. Does the gentleman think this increase necessary?

Mr. GILLETTE. We thought it was wise; yes. We thought they ought to have it.

Mr. MACON. How many of them are there?

Mr. GILLETTE. Between 40 and 50.

Mr. MACON. Four hundred dollars ought to get them a pistol apiece.

Mr. GILLETTE. I do not think so. I am not as familiar as the gentleman from Arkansas, of course, with the cost of pistols.

Mr. MACON. Ten dollars apiece. I think you can get 40 for \$10 apiece.

Mr. GILLETTE. That would be from \$400 to \$500, and that will leave the rest (\$500) for bicycles; and they have to get ammunition, too.

Mr. MACON. It seems to me a little extravagant to appropriate that sum for pistols and bicycles; but I suppose the gentleman knows more about it than I do, and I will withdraw the pro forma amendment.

The Clerk read as follows:

Of the foregoing amounts appropriated under public buildings and grounds, the sum of \$31,775 shall be paid out of the revenues of the District of Columbia.

Mr. MANN. I move to strike out the last word. I suppose that item is for the purpose of carrying one-half of this appropriation.

Mr. GILLETTE. It is one-half, except in the first paragraph, which provides for the official force; that is, the office force at headquarters.

Mr. MANN. For the official force we do not pay any portion of that?

Mr. GILLETTE. We do not.

Mr. MANN. Changing this amount would not affect that?

Mr. GILLETTE. No.

Mr. MANN. They get their superintendent free?

Mr. GILLETTE. Yes.

Mr. MANN. They get the office force entirely free?

Mr. GILLETTE. Yes.

Mr. MANN. On what theory?

Mr. GILLETTE. I do not know. It has been carried in that way all the time. Of course a large part of the duty of the superintendent is charge of the White House grounds and the White House itself, which, of course, is a national object, although that redounds very much to the beauty and the credit of the District. But it has always been carried in that way.

Mr. MANN. The White House grounds is just as much a part of the parking system of Washington as any other.

Mr. GILLETTE. It is not as much a part. We adorn it, but it is not open.

Mr. MANN. But more people look at it than any other, for it is one of the sights. I notice that the people here are constantly scolding Congress and asking if we have never read the organic law providing that the District should pay one-half and the National Government one-half. Now, we find an item on which we pay the entire expense, and yet we are scolded all the time by the people of the District because somebody sometimes suggests more than half of the appropriation should be charged against them. But we hear no complaint from them that the organic law is not complied with when we pay the entire bill and they are not asked to pay any of it.

The Clerk read as follows:

For continuing the publication of an edition of 11,000 copies of the Official Records of the Union and Confederate Navies in the War of the Rebellion, in accordance with the plan approved by the Secretary of the Navy under the act of Congress approved July 31, 1894, and for the purpose of making such maps and illustrations as relate to the work, \$21,000.

Mr. COX of Indiana. I move to strike out the last word. I would like to inquire of the gentleman in charge of this bill if he can inform the committee as to when this work will be completed.

Mr. GRAFF. On page 117 of the hearings, Mr. BINGHAM asked whether we are not through with the naval records, and the reply is made him:

Mr. STEWART. No, sir.

Mr. GILLETTE. How many volumes have you printed?

Mr. STEWART. Twenty-four now. I am just distributing the twenty-third.

Mr. BINGHAM. Is that as much as you anticipated?

Mr. STEWART. Hardly. I hoped for more, but I have not gotten done as much as I hoped for.

Mr. GILLETTE. When we started I thought it was to be about 10 volumes. Was not that the expectation?

Mr. STEWART. I was not there when they started, sir. We have done a work that is unusual. We have avoided duplication, and we have condensed it very much. Without making a comparison with the War Department, I will state that they printed 130 volumes, as you know, General.

Mr. BINGHAM. But that does not count.

Mr. STEWART. That does not count. I know, sir. But we have eliminated all duplicate matter and have kept it within the smallest possible volume. I read every volume at least five times; and we throw out probably one-half of the matter that has already been compiled. It is very much condensed.

Mr. BINGHAM. What do you specifically ask for?

Mr. STEWART. This year?

Mr. BINGHAM. Yes.

Mr. STEWART. We have asked for \$21,000 for the two volumes.

Mr. BINGHAM. Do you want two volumes more? That is \$10,500 each?

Mr. STEWART. Ten thousand five hundred dollars each.

Mr. BINGHAM. That is the usual sum?

Mr. STEWART. Yes, sir.

Mr. BINGHAM. That completes it?

Mr. STEWART. Very nearly, sir. I think it will probably complete it.
Mr. LIVINGSTON. Do you mean to say that completes the whole work?
Mr. STEWART. Practically; yes.

Mr. COX of Indiana. The idea is that this will terminate the necessity for appropriations for these purposes in the future?

Mr. MANN. Oh, no.

Mr. NORRIS. Not for a number of years.

Mr. MANN. The man who is in charge of this is one of the ablest men in the naval service.

Mr. COX of Indiana. Does the gentleman know how much money has been appropriated for this purpose?

Mr. MANN. I do not know. This is for the publication of the last volumes that have been prepared. I understand that does not include the preparation.

Mr. COX of Indiana. There is, then, some cost of preparation?

Mr. MANN. Oh, yes; the matter is collected, written up, read over, and then taken out, cutting out the things that were not desirable to print, and not worth printing.

Mr. COX of Indiana. Just how are these books distributed?

Mr. MANN. Why, when these books were first authorized, an edition was printed, and Members then in Congress were authorized to distribute them. They were in sets. Members here then gave the names of the people who should receive them.

Mr. COX of Indiana. They were sent to colleges.

Mr. MANN. To whomever they pleased, I guess. Does not the gentleman receive any of them at all?

Mr. COX of Indiana. I do not think so.

Mr. MANN. I get a copy or two. I do not know whether I was on the original list or not. I was not here when this was ordered published, I think. I do not know what to do with them half the time.

Mr. COX of Indiana. Does the gentleman know how many sets of books were intended to be delivered to each Member?

Mr. MANN. There was more than one copy. It was something like the War of the Rebellion Records. There were quite a number distributed, but since that time, as to the Rebellion Records, there has been a new edition ordered printed, to complete sets that were not complete. I have a set in the War Department now to my credit, that can only be given, I think, to a library, and while the War Department is extremely anxious to have me take the books out, I am waiting until some new library starts in my district, where they will make use of the books in the course of time.

Mr. COX of Indiana. If the gentleman has not any such library, if he will turn them over to me, I will put them in a library where they will be greatly appreciated.

Mr. MANN. I have plenty of libraries, and I have supplied one or two libraries with those sets. If the gentleman would present a very strong case to me of a library which was frequented by old soldiers, I do not know but I might give him a set of those records.

Mr. COX of Indiana. I can do that.

Mr. GRAFF. I desire to make a statement that may enlighten the gentleman. It has been the custom, and it is probably the provision of law, that the distribution of the Rebellion Records has been made, first, at the instance of the Member who happened to be in Congress at the time that they started, but the provision permitted a change of the person who should receive subsequent volumes. The result of that sort of administration has been that one person would get the first volumes, and then a subsequent Member of Congress would designate another person to get the balance of that set, and it has not worked out as well as the present plan concerning the Naval Records, where the person first designated has continued to receive the balance of the volumes of that set.

Mr. COX of Indiana. So, in order to get a full set, it was necessary for a man to be here at the time the appropriation started.

Mr. MANN. I may say to my friend from Indiana that I think there has been no melon of that sort cut since he was in the House.

Mr. COX of Indiana. I think that accounts for the fact that I have not got them.

Mr. MANN. But the gentleman will serve here long enough to discover that once in a while there is some publication ordered by Congress that is very highly desirable to have, and that on such an occasion as that it is the invariable rule that the Congress that orders the publication gives to itself the right of distributing that publication.

Mr. COX of Indiana. I understand that.

Mr. MANN. Although it may not be issued for some time or it may be issued in a series. Sometimes a succeeding Congress takes advantage of the situation to order a new edition for its distribution. The gentleman will remember how very kind the last Congress was when it provided in its closing

days that all of the books and documents to the credit of the then Members should be distributed by the old Members of Congress, and that the new Members should have no hand in it; and how exceedingly kind the new Congress, that is, this Congress, was when it came in, and promptly rescinded and repealed that provision.

Mr. COX of Indiana. If I remember correctly, the gentleman from Illinois was in favor of that repeal.

Mr. MANN. I believe in being fair to the men who are in as well as to the men who are out.

Mr. COX of Indiana. I think the new Members took very kindly to the action of the gentleman.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Hydrographic Office: Hydrographic engineer, \$3,000; assistant, \$2,200; assistant, \$2,000; nautical expert, \$1,800; 2 nautical experts, at \$1,600 each; nautical expert, \$1,400; 3 nautical experts, at \$1,200 each; 3 nautical experts, at \$1,000 each; clerk of class 2; clerk of class 1; custodian of archives, \$1,200; 3 copyists; copyist, \$840; 2 copyists, at \$720 each; compiler, \$1,400; editor of Notice to Mariners, \$1,600; computer, \$1,400; 3 draftsmen, at \$1,800 each; 4 draftsmen, at \$1,600 each; 2 draftsmen, at \$1,400 each; 2 draftsmen, at \$1,200 each; 5 draftsmen, at \$1,000 each; draftsman, \$900; 3 apprentice draftsmen, at \$700 each; chief engraver, \$2,000; 2 engravers, at \$1,800 each; 3 engravers, at \$1,600 each; engraver, \$1,400; 6 engravers, \$1,200 each; 2 engravers, at \$1,000 each; engraver, \$720; apprentice engraver, \$800; apprentice engraver, \$700; chief plate printer, \$1,400; plate printer, \$1,200; plate printer, \$1,000; 2 plate printers, at \$900 each; plate printer, \$800; apprentice plate printer, \$700; apprentice plate printer, \$600; chief lithographer, \$1,800; 2 lithographers, at \$1,000 each; apprentice lithographer, \$700; electrotypist and chart plate maker, \$1,200; assistant messenger; 4 laborers; 2 helpers, at \$720 each; 2 helpers, at \$720 each; 2 helpers, at \$660 each; helper, \$600; helper, \$500; helper, \$480; in all, \$102,500.

Mr. MACON. Mr. Chairman, I reserve a point of order on the paragraph to ask the gentleman in charge of the bill why they attempt to increase the salary of a nautical expert, on page 106, line 10, \$100, and do not offer to increase the pay of the other nautical experts. Was or is there any special reason for that increase?

Mr. GRAFF. The committee had the head of this office before them. These nautical experts have to be graduates of colleges, educated men, in order to fit themselves for this scientific work, and we concluded to make the raise involved in this item.

Mr. MACON. You increase one from \$1,300 to \$1,400, and below that you have three nautical experts at \$1,200 that you do not attempt to increase at all, and there are three others further down in the bill that are receiving salaries of \$1,000. I want to know the reason for increasing this particular expert's compensation \$100 and not increasing the others.

Mr. GRAFF. Because this man was more efficient, had a longer experience, been longer in the bureau, and deserved the increased compensation.

Mr. MACON. Are his duties any greater than those of the others?

Mr. GRAFF. I do not know, but I presume so.

Mr. MANN. Oh, no; he is not the head of the force; there are a lot of men over him.

Mr. GRAFF. I understand that, but he probably takes the lead.

Mr. MACON. There are two nautical experts above these at \$1,600 each and one who receives \$1,800. They are ahead of the one you propose to increase.

Mr. GRAFF. The gentleman is right, but those experts who receive the \$1,600 receive the same salary that they received last year. These experts are in the line of promotion.

Mr. MACON. I wanted to know if there was any special reason for that; if so, I am going to allow it to remain in the bill.

Mr. GRAFF. I can not give the gentleman any further information. The work is of a technical character, calling for educational preparation. It is important work, and recommendations are made for promotion. We had a hearing on the subject and followed the recommendation.

Mr. MANN. I would like to call the attention of the gentleman from Arkansas to the fact that there are two promotions carried in that item of the bill, and I suppose very naturally. These nautical experts go in at \$1,000 a year, and it is impossible to expect to secure competent men for that grade without the prospect of promotion, because these are scientific men, college experts. They start in at \$1,000. Last year there were four at \$1,000, and this year they are reduced to three, and one of them is advanced to the grade above that, which is \$1,200. It is just as it would be if he was advanced from one class clerk to another class. As they drop out above these men will be put into the higher grades.

Mr. MACON. There is no disposition to increase the salaries of all of these men annually, is there?

Mr. MANN. No; but they have to make some promotions if they secure the men whom they want.

Mr. MACON. I realize that you could not get much of an expert at \$1,000 and keep him at that.

Mr. MANN. That is all the point there is to it. You can start a college student in for that if there is a chance for promotion, but if there is no chance for promotion you could not get good scientific men to enter that service.

Mr. GRAFF. These men correct the sailing charts for the men-of-war, and it seems to me that they have very responsible positions as well as real technical work.

Mr. MACON. I suppose there are special reasons for this promotion, and I will withdraw the point of order.

Mr. GRAFF. Mr. Chairman, I offer the following amendment, for the purpose of correcting a duplication, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 107, line 18, strike out the words "two laborers at \$720 each."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For purchase of one lithographic printing press, \$4,000.

Mr. MANN. Mr. Chairman, I reserve the point of order. Does the gentleman in charge of the bill happen to be able to tell us about the necessity for this lithographic printing press, whether it takes the place of a worn-out press?

Mr. GRAFF. Mr. Chairman, in answer to the gentleman from Illinois I would say that on page 131 of the hearings Capt. Knapp was asked whether they did need the new press that was requested and to explain the reasons why they needed it, and he said:

The two we have are 18 or 19 years old, and are continually breaking down. I tried to get estimates for repairing one of them. A man said, although it was to his interest to make the repairs, it will be like patching an old coat that was so threadbare that it would break where the patches were put in.

Mr. MANN. Mr. Chairman, that looks like a complete case, and I withdraw the point of order.

The Clerk read as follows:

For a monthly pilot chart of the north Pacific Ocean, showing graphically the matters of value and interest to the maritime community of the Pacific coast, and particularly the directions and forces of the winds to be expected during the month succeeding the date of issue; the set and strength of the currents; the feeding grounds of whales and seals; the regions of storm, fog, and ice; the positions of derelicts and floating obstructions to navigation; the best routes to be followed by steam and by sail; expenses of communicating and circulating information; lithographing and engraving; the purchase of materials for and printing and mailing the chart, \$2,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. BENNET of New York. Mr. Chairman, I was about to make the same reservation, for the purpose of asking the gentleman in charge of the bill if anything similar is done for the Atlantic Ocean, having a more personal interest in that than in the Pacific.

Mr. GILLETT. I suppose the Weather Bureau's chart covers both oceans. It certainly covers this.

Mr. MANN. There is a pilot chart issued for the Atlantic Ocean.

Mr. BENNET of New York. Where is that provided for?

Mr. GILLETT. On the next page.

Mr. MANN. It is not specifically provided for.

Mr. BENNET of New York. It is one of those things that is in there, but you do not see it.

Mr. GILLETT. On page 108 it says:

The preparation of pilot charts and their supplements and the printing and mailing of the same.

Mr. BENNET of New York. Why is this particular item necessary?

Mr. GILLETT. It has always been carried in this way, and I suspect that it was so as to make sure there would be one for the Pacific Ocean.

Mr. MANN. Mr. Chairman, I may say to the gentleman that some years ago, after the scientists and naturalists had worked for years in vain to find the feeding ground of whales, a distinguished Member of Congress from California or Oregon or Alaska offered a provision that there should be a pilot chart issued by the Hydrographic Office which would give the feeding ground of whales, and it went in. It is subject to a point of order. I have had it stricken out once or twice on a point of order. Last year, I believe, an agreement was entered into of some sort and put into the law with reference to the form of these pilot charts. I want to inquire whether that law was

working satisfactory. I thought possibly that the head of the Weather Bureau or the Hydrographic Office had discovered the feeding ground of whales.

Mr. GILLETT. I will say that it has not worked out satisfactorily to me. The committee last year felt that the Weather Bureau and the Hydrographic Office were practically covering the same ground, and that there ought to be in some way a consolidation, that one of them should issue all of these charts, and both of them came before us and we had pretty full hearings. We understood the head of the Weather Bureau to say that he would abide by the decision of the committee, and that he was quite willing and glad to have it investigated, and I think both services admitted that it was a duplication. We concluded finally that the Hydrographic Office should go on with it, and we put in some language by which they should give credit to the Weather Bureau for what they received from them, but it was found this year that it made no difference, that the Weather Bureau had gone on issuing their charts, and the Hydrographic Office issued its charts, and we concluded that the Appropriations Committee, without power of legislation, could not remedy this condition of things. Therefore, we have appropriated the same as last year for the Hydrographic Office. I think it ought to be remedied in some way.

Mr. MANN. Last year the committee in reporting this bill made some changes which were not at all agreeable to the Hydrographic Office.

Mr. GILLETT. I remember.

Mr. MANN. And there was a proposition of a Member of this House when that item was reached to go after that item, if I remember rightly, and through a little manipulation and parliamentary tactics a few friends managed to head off the gentleman from Massachusetts to save him getting his way about it, and the committee was sustained. This item that is in the law went in in conference.

Mr. GILLETT. Which item do you mean?

Mr. MANN. That was in the law last year.

Mr. GILLETT. You mean this whole section? The whole section did not go out on the point of order, did it?

Mr. MANN. The whole provision that was in last year went out on the point of order, and the gentleman from Minnesota [Mr. TAWNEY] offered an amendment which was put in, and then we amended the amendment so that it left out the Hydrographic Office from the authority that it was then exercising, and it went to the Senate in that way, and in the conference a compromise was reached, which reads like this, that is in the law:

And hereafter the pilot charts prepared in the Hydrographic Office shall have conspicuously printed thereon the following: "Prepared from data furnished in the Hydrographic Office, Navy Department, and in the Weather Bureau, Agricultural Department, published at the Hydrographic Office under authority of the Secretary of the Navy"—

And so forth, and so on.

Now, the amusing thing about these Hydrographic Office and Weather Bureau charts is that while we know perfectly well that no one on earth knows what the weather will be 30 days from now, they publish it in these charts, and you can get a chart which will tell you what the weather is going to be next month on the Atlantic Ocean.

Now, you can say they know by years of experience what the weather is likely to be. Probably that is true; but if that is so, it does not need to be revised and gotten up each year and issued month by month.

Mr. GILLETT. I think the head of the Weather Bureau suggested that himself—that these charts could just as well be made up for years in advance, printed in bulk now, and issued monthly in the future.

Mr. MANN. It is perfectly certain that no Government official to-day is able to predict what the weather will be in the last of January except what experience shows the weather probably will be at that time, and what we know now as to weather conditions will not in any way whatever affect our judgment as to what it will be 30 days from now.

Mr. KAHN. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. KAHN. These charts do not deal so much with the weather as the location of derelicts, icebergs, and dangerous places. Is not that the fact?

Mr. MANN. Well, I suppose it does not deal so extensively with the question of derelicts or icebergs. We have on the Atlantic Ocean a revenue cutter for the purpose of destroying derelicts, and if they discover where the derelict is, long before this chart is issued that derelict is captured and destroyed if it remains there. If it does not remain there, to put it on a chart which is issued a few days from now will not help out the matter any.

Mr. KAHN. Well, the condition on the Pacific is a little different. In the first place, there are not nearly so many vessels, and we have great long rafts which occasionally break in pieces, and there are many dangers to navigation. This chart, as I understand, is published once a month, and I have been told by mariners these locations of dangers to navigation are exceedingly useful in the navigation of their ships.

Mr. MANN. Well, the gentleman may be correct. I happen to be a member of the committee that has charge of legislation in regard to aids to navigation, and I have been in favor of it. All the information I have ever secured in regard to it was to the effect that this publication of monthly charts of the North Pacific Ocean was absolutely valueless, so far as mariners and navigation are concerned.

Mr. KAHN. Mariners on the Pacific have spoken to me about it, and have told me it was very valuable.

Mr. MANN. Oh, the chart has many things of value about it, undoubtedly; but the valuable parts of it are not those that are new and that vary from month to month. They could issue a chart, like the hydrographic charts for the Navy, as to the location of land and other things, as well as the coast and geodetic charts and hydrographic charts also, giving the depth of water and everything of great value.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. MANN. If the gentleman thinks the arrangement that was made last year is being carried out, I shall not insist on the point of order this year.

Mr. GILLETT. From what I understand, it is not being carried out.

Mr. MANN. Somebody at some time must show that there is some value in these pilot charts, or I must insist on the point of order.

Mr. MACON. I am right here, waiting to make the point of order now.

Mr. MANN. I will say to my friend from Arkansas that I am not afraid to make the point of order. I think possibly, in view of the situation last year, it might be well to let it run along a year or so.

Mr. MACON. The gentleman in charge of the bill indicates that it is worthless and does no good at all.

Mr. MANN. I think they have not got together yet, but I think they are endeavoring to do so, and will avoid duplication of these publications. That, however, does not apply so much to the Pacific coast charts, which are subject to a point of order, as it does to the Atlantic Ocean charts, which are not subject to a point of order in the bill.

Mr. GILLETT. Mr. Chairman, I do not quite like to have language put in my mouth that misrepresents me a little. I think the gentleman exaggerated my statement. I am not enthusiastic over the value of these charts, but I did not say they were useless.

Mr. MACON. I thought you indicated that they were practically useless.

Mr. GILLETT. I did not say as much as that. I would like to say this to the gentleman from Arkansas and the gentleman from Illinois also—

Mr. MACON. I reserve the point of order now, Mr. Chairman.

Mr. GILLETT. This matter is up before the President, and is being considered, with the hope that Executive action will compel the duplication which now exists between the Weather Bureau and the Hydrographic Office to be in some way done away with, and, of course, it is subject to Executive action. I am hoping that in that way a concerted action will be reached which will prevent this very unnecessary duplication.

Mr. MACON. If there is any duplication about it at all, we will get rid of it right now. I will make a point of order against it.

Mr. KAHN. I hope the gentleman will not insist upon the point of order. I can assure him that seafaring men on the Pacific think this chart is of the greatest value.

The CHAIRMAN. The gentleman from Arkansas [Mr. MACON] makes the point of order. May the Chair inquire of the gentleman from Massachusetts if there is any law authorizing this work?

Mr. GILLETT. I can not cite any.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

For apparatus and instruments, and for repairs of the same, \$2,000.

Mr. SHARP. Mr. Chairman, I wish to offer the following amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 110, line 22, strike out the words "two thousand" and substitute therefor the words "four thousand five hundred."

Mr. MACON. Mr. Chairman, I reserve a point of order on that.

Mr. SHARP. Mr. Chairman, I am offering this amendment, and in explanation thereof would say that the purchase or supplying of such an instrument was recommended by the Secretary of the Navy, who put it in his annual estimate, and a note in connection therewith reads as follows:

The micrometer at present in use was constructed about 1873 for the old 26-inch mounting. Its inferiority to such instruments as now made is so marked as to render it highly desirable it should be changed.

The department recommended an appropriation for the purchase of this instrument of \$2,500. I wish to say that in conversation with Prof. Hall, who has charge of this work, he strongly impressed upon me the necessity for the purchase of a new filar micrometer.

In this footnote, to which reference is made, it states that the old one has now been there for 37 years—was, in fact, in the old observatory before it was moved over to the new foundation. There has been a great improvement in the science of making mechanical instruments for the use of astronomical observatories, and one of the greatest of these has been in the filar micrometer. It seems to me, the Government having invested not less than \$100,000 in the instrument and accessories, one of the finest equipments in the country, consisting of a splendid large telescope and its mountings and dome, we ought not to deny an appropriation of so small an amount as \$2,500, in order that we may get the most accurate observations. In this particular science the essential element of the work is accuracy, and therefore in making observations you can not make them accurately unless the instruments used are thoroughly fitted for the purposes. This observatory can not compare in its work with other large observatories unless we furnish it with the necessary equipment.

There are new and very decided improvements in the filar micrometer over the one that they have there now, and then, again, the screws and their manipulation are entirely different. We all understand that the slightest variation or imperfection in the manipulation of that instrument causes a great variation in the calculation, and this element of accuracy enters largely into the need of this kind of an instrument.

I do not need to extend my remarks more than to say that this was recommended and very earnestly desired, not only by the Navy Department but those in charge of the observatory. The great firm in Cleveland, Warner & Swasey, offer to furnish this instrument at \$2,500 or \$2,600, and there is an offer from a foreign maker, Repsold, who has an international reputation, of \$2,650. I have had the pleasure of seeing the correspondence upon this subject, and I should think their figures not only very reasonable, but that they ought to be accepted if this appropriation is granted unless better ones can be obtained.

I might add further that this is not an annual appropriation. The instrument, if now provided, probably would last for the next 15 or 20 years. As a matter of fact, we have the third largest instrument in the United States. When that was put in it was the largest telescope in the United States and in the world, having a 26-inch glass. The Russian authorities at the observatory of Pulkova sent their representatives through Europe and over here to see our instrument and gather information as to the best equipment for use in their own observatory. But they have surpassed us, I understand, in recent times on account of the large additions in modern equipment which they have made to their observatory. They have one of the latest filar micrometers.

Mr. STAFFORD. The gentleman seems to be very well informed as to the uses of astronomical instruments. Will he inform the House in a few words, or as many words as he may need, what purpose is served by the use of these filar micrometers?

Mr. SHARP. This filar micrometer is an instrument that is attached to the eye end of the telescope, which has spider lines running across it the same as in a surveyor's instrument, and by the use of these lines, which are illuminated at night by electrical lamps, the use of which has been greatly improved in the instruments, they can get their observations of the stars and the heavenly bodies more accurately. In fact, without their use the right ascension and declination of stars and heavenly bodies can not be accurately obtained. By the increasing discoveries, made in the last 20 or 30 years, from knowledge revealed by the solar spectrum and photography, the accuracy with which we make observations and with which we locate, analyze, measure the distance, and even weigh any of these heavenly bodies is wonderfully improved.

In our Nautical Almanac accuracy is the essential feature, and by the use of this micrometer we are enabled, by these different crosslines, to locate the relative positions, not only of the planets but of their satellites, the stars, and all other heavenly bodies.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. STAFFORD. I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. MANN. We are all very much interested in this.

The CHAIRMAN. A point of order was reserved on the amendment by the gentleman from Arkansas [Mr. MACON].

Mr. STAFFORD. I ask unanimous consent that the gentleman's time be extended five minutes.

There was no objection.

Mr. SHARP. I wish to say that I do not pose as a practical astronomer in any sense of the word.

Mr. MANN. We could not tell that you were not.

Mr. SHARP. I am very much interested in this noble science, and I will say that some question was raised as to its practical value in the last session when a bill was under discussion for the removal of this whole question of control of the Naval Observatory out of the jurisdiction of the Navy Department to the Smithsonian Institution. That is a matter possibly of no particular concern, although it was a recommendation of the President of the United States in his message, but the question has been raised on the floor of the House as to the practical benefit of the scientific knowledge of astronomy. It is not my purpose to argue that phase of the question, because that is a great subject, as vast as the science with which it deals, but I am satisfied to let my remarks bear entirely upon a narrower line, as to the need of the passage of this amendment.

There is no more exact science than astronomy, even though it at times borders on the realm of speculation; and in order to have the necessary exactness we must have instruments that will enable us to become exact, just the same as it is necessary for the surveyor to use the best surveying instruments, the best tools of his trade. Everyone will recognize the fact that without an equipment of this kind it would be impossible to make any scientific investigation with any degree of accuracy whatever.

Mr. GILLET. May I ask the gentleman a question for information?

Mr. SHARP. Certainly.

Mr. GILLET. Is the work which has been done of late inaccurate and unreliable?

Mr. SHARP. Not so inaccurate as to not be of great value, but in work of this kind no one ought to be satisfied with anything short of the greatest degree of accuracy which it is possible to attain.

The principal advantage claimed by Prof. Hall for the purchase of a new instrument is the facility with which the screws may be worked in setting these lines, and the more accurately setting them, and especially with reference to improved methods of lighting the lines from the side, so that no shadow may be cast. Even if we have the spider-web line, it will cast a shadow unless there is an equal light from both sides.

Mr. BENNET of New York. Do I understand the gentleman to say that if this additional \$2,500 is granted, it will make the Nautical Almanac more nearly accurate than it is now?

Mr. SHARP. Their observations will certainly be much more easily taken, and, according to the statement of Prof. Hall, they will be more accurate.

Mr. BENNET of New York. Does the gentleman believe it will increase the efficiency of the observers?

Mr. SHARP. There is no question about that. Every other large observatory in the world to-day has the latest modern pattern of the filar micrometer, without any exception of which I know. Ours is the only national observatory that has not the modern appliances. May I just repeat that with the expenditure of \$100,000 at least in our observatory dome instrument and in the mountings and settings for the same it would seem as though we were denying ourselves the highest degree of efficiency for lack of an appropriation of \$2,500, which is not an annual charge, but which will not have to be duplicated for many years to come.

Mr. GARDNER of Michigan. Mr. Chairman, it is a great pleasure to find a business man, devoted as most business men are to a given line, taking the time to turn aside and become acquainted with some things that scholars alone are supposed to know. I have known the gentleman from Ohio for some time and have been aware that he had special knowledge along this line, that he had given more attention to it than any other

Member of Congress I know. It is our good fortune that we can have some one illuminate a subject, as the gentleman has, about which most of us—and I count myself as one of the most—know very little. It seems to me the case is clear, and I hope our good friend from Arkansas will see fit to let it pass.

Mr. MACON. I am satisfied, Mr. Chairman, that no point of order can be raised against this, as it is merely an increase of an appropriation.

The CHAIRMAN. The Chair thinks that no point of order will lie.

Mr. MACON. I make no objection to it.

Mr. GILLET. Mr. Chairman, until I heard from the gentleman from Ohio I was quite uninformed as to the necessity or the usefulness of a micrometer. I doubt if the committee was very certain as to what a micrometer was. This proposition came before us from the department, but no explanation was given to us in regard to it and it was stricken out. I think in my own case it was probably stricken out not only because it was not urged, but also because of the reluctance on my part to increase appropriations for the Naval Observatory. I heartily concurred in the House action taking it away from the Department of the Navy. It has never seemed to me that it was an institution which was at all necessary for the Navy, but whether the rest of the committee was influenced by the same motives I do not know. As I say, I acted without any information on the subject, simply because it was not urged and I did not see the necessity for it.

Mr. MANN. Mr. Chairman, last year I made as good a fight as I could to have the Naval Observatory transferred from the Navy Department to the Smithsonian Institution. It is essentially a scientific institution and does great work. Its work is recognized throughout the world. We maintain it at a very large expense. It has always been my theory that if we maintain a personal corps at great expense to do work the first essential is to provide the proper tools with which to work. I have no doubt that this apparatus is needed at the Naval Observatory as much as a new plate-printing press was needed for the Hydrographic Office. Modern instruments wear out. I am surprised that the Naval Observatory is so modest that it has kept the same micrometer 37 years. It ought to have been thrown away and a new one provided twice since then.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill, or rather for the purpose of exhibiting my ignorance in regard to it—this Nautical Almanac comes out bearing a date a year or two in advance. Why is that, and what is the exact object of the Nautical Almanac dated two years ahead? How can they do it? I represent, for the time at least, a seacoast community, and I would like some information on those questions.

Mr. GILLET. I am sorry that I can not give the gentleman the full information that he asks. I have looked through these publications of the Naval Observatory, and to me they are marvelous and impossible of comprehension. I suppose to mariners they are of great usefulness. I have not the scientific knowledge to even understand them.

Mr. BENNET of New York. Would the gentleman from Massachusetts consider it out of the way if I asked the gentleman from Ohio [Mr. SHARP], who seems to be well informed on this subject, in relation to a micrometer at least?

Mr. GILLET. I should be very glad to have the gentleman get any information he desires.

Mr. BENNET of New York. Then I will ask the gentleman from Ohio what is the purpose of a Nautical Almanac dated two years ahead?

Mr. SHARP. I can tell the gentleman some of the purposes, although I could not perhaps tell him all of the purposes of the Nautical Almanac. We are able to issue the Nautical Almanac two years ahead because we have the ability to locate any heavenly body two years ahead or a thousand years ahead, if necessary.

One very efficient way we may be able to do so is because we have these various methods of measuring the position of a heavenly body at any given time by measuring them and knowing where they are located at any one time. Years and years ago we computed their speed, their ellipse, or their orbit, knowing just where they would be—not, as I say, three years ahead, but any number of years ahead; so I think it is easy to answer the reason why they can do it. I am not able to answer the gentleman's question fully as to the real value of a determination ahead of two years' given time in practical service. I am not a mariner.

Mr. BENNET of New York. Well, Mr. Chairman, the gentleman has given me a great deal more information that I possessed.

Mr. LANGLEY. And I suggest to the gentleman that Dr. Cook found the Nautical Almanac useful in preparing the history of his trip to the North Pole.

Mr. BENNET of New York. Well, if that is the case, I might move to strike it out altogether.

Mr. GILLET. I would like to ask the gentleman from Ohio a question: If you can compute them any number of years ahead, why can you not issue it now for the entire future, and not keep doing it every year?

Mr. SHARP. That would be possible.

The Clerk read as follows:

The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Ordnance, Equipment, Construction and Repair, and Steam Engineering to carry into effect the various appropriations for "Increase of the Navy," "Construction and repair," "Steam machinery," "Ordnance and ordnance stores," and "Equipment of vessels," to be paid from appropriations "Construction and repair," "Steam machinery," "Ordnance and ordnance stores," and "Equipment of vessels": *Provided*, That the expenditures on this account for the fiscal year 1912 shall not exceed \$125,000; a statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Mr. BENNET of New York. Reserving the point of order on the paragraph just read, I would like to ask the gentleman in charge of the bill if this has any connection in any way with the somewhat mooted question of building warships in the navy yard, and whether this takes away from the navy yards the right to employ draftsmen, or anything of that character.

Mr. GILLET. No; not at all.

Mr. BENNET of New York. What is the exact object of the paragraph?

Mr. GILLET. This is simply for the employees in the bureau here at Washington. It gives them a certain flexibility of their force, so that they can employ them temporarily and then let them go again, which they say is quite essential and economic, and it does not apply to the navy yards themselves.

Mr. BENNET of New York. Suppose that a constructor at a navy yard desired to employ draftsmen and other "technical services," to use the phrase of the bill; is that provided for in some other bill?

Mr. GILLET. That is provided for, as the gentleman obviously indicates, in the naval appropriation bill.

Mr. FITZGERALD. My understanding is that there is a provision in the naval appropriation act which applies to the draftsmen employed at the different yards and stations that does affect the ability of the department to employ the draftsmen required when new work is intrusted to the department. I believe the matter will probably be reached on the naval appropriation bill.

Mr. BENNET of New York. Mr. Chairman, as long as my colleague is satisfied that this does not injure the interest of the navy yard in which we are particularly interested, I shall not insist upon the point of order.

Mr. FITZGERALD. I think this is a good provision as inserted, but sometimes provisions are framed and inserted into a bill which it is impossible to determine actually what their effect will be until a year or two after they have gone into force; and sometimes that happens even to members of the Committee on Appropriations with items in their own bill. I am informed that this provision applies only to the force employed in the department at Washington and does not affect the situation that my colleague has in mind.

Mr. BENNET of New York. My colleague does not use the word "framed" as a synonym for "framed up."

Mr. FITZGERALD. That is too subtle an expression for me to use in connection with anything done in this administration.

Mr. MANN. Mr. Chairman, I would like to see if I have the right notion on this proposition. As I understand it, an item of appropriation in the naval appropriation can not be expended for personal services in the District of Columbia.

Mr. GILLET. It did not use to be so, and that is just what this is intended to prevent.

Mr. MANN. That is the law as I understand it, that an item in the naval appropriation can not be expended for personal services in the District of Columbia.

Mr. GILLET. Yes; and this is intended to prevent that.

Mr. MANN. And in order to charge against the various items of appropriations carried in the naval appropriation bill the personal services in the District for work done under these specific appropriations you carry this item in this bill, and I suppose that reaches in some way these overhead charges my distinguished friend from New York [Mr. FITZGERALD] was complaining about the other day.

Mr. FITZGERALD. This particular provision is not what it affects. However, I wish to ask the gentleman from Massachusetts if this particular provision does affect the appropriations carried in the naval appropriation act?

Mr. GILLET. No; there used to be expended, as the gentleman probably knows, out of a large lump sum for increase of the Navy a large amount here in Washington, and they could take what they pleased from this large fund and employ draftsmen, and so forth, in Washington, which of course was against the aim of our Appropriations Committee and did not differentiate the department and the navy yards as we want to distinguish them. Now, this was to prevent that and allow this flexible sum to be spent here in Washington and forbid its being taken out of the lump sum for the increase of the Navy.

Mr. FITZGERALD. Does this prevent the use of that fund for the use of draftsmen employed in the yards?

Mr. GILLET. This does not apply to that at all.

Mr. FITZGERALD. Let me call attention to what happens. A ship is authorized to be built in a yard. It is necessary at once to employ a large force of draftsmen in getting out the preliminary plans, and so forth.

Mr. GILLET. In Washington or in a navy yard?

Mr. FITZGERALD. I should say in both places.

Mr. MANN. These items referred to in this paragraph are items in the naval appropriation bill. They are not carried in this bill. There is an item for increase of the Navy, construction and repair, steam machinery, ordnance and ordnance stores, and so forth, which refer to items of appropriation in the naval appropriation bill.

Mr. GILLET. Of course they do. It is carrying into effect those appropriations.

Mr. MANN. This is simply for the purpose, where we make an appropriation for a new ship, that the cost for preparing the plans for that new ship may be charged to that particular appropriation. So when we make the appropriation the cost of preparing plans is a part of the appropriation. And you could not do that except by a provision of this sort to authorize the use of personal services in the District to be paid out of that.

Mr. BENNET of New York. Does that apply as well to ships built in a private yard as in a Government navy yard?

Mr. GILLET. I suppose so.

Mr. MANN. There is no difference.

Mr. BENNET of New York. It is as fair to one as to the other.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

The services of skilled draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Yards and Docks to carry into effect the various appropriations thereunder and be paid from such appropriations: *Provided*, That the expenditures on this account for the fiscal year 1912 shall not exceed \$40,000; a statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Mr. BENNET of New York. I reserve a point of order simply for the purpose of asking the gentleman in charge of the bill if the statement he made in relation to the item on page 112 does not apply here? It does not relate to the navy yards except as to work done on the plans here that are utilized later in the navy yards, and it applies to a private yard the same as it does to a Government yard where a warship is being built.

Mr. GILLET. It is just as much one as the other.

Mr. BENNET of New York. And does he regard it as a necessary departmental regulation and in the interest of economy?

Mr. GILLET. It is a wise one.

The Clerk read as follows:

Department of the Interior, office of the Secretary: For compensation of the Secretary of the Interior, \$12,000; First Assistant Secretary, \$5,000; Assistant Secretary, \$4,500; chief clerk, \$3,500; assistant to the Secretary, \$2,750; assistant attorney, \$2,500 (one transferred to office of the Assistant Attorney General); 2 special inspectors, whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior, at \$2,500 each; 6 inspectors, at \$2,500 each; chief disbursing clerk, \$2,250; clerk in charge of supplies, \$2,250; clerk in charge of mails, files, and archives, \$2,250; clerk in charge of publications, \$2,250; 4 clerks, at \$2,000 each; private secretary to the Secretary of the Interior, \$2,500; 13 clerks of class 4; 18 clerks of class 3; 21 clerks of class 2; 24 clerks of class 1; returns office clerk, \$1,600; female clerk, to be designated by the President, to sign land patents, \$1,200; 3 clerks, at \$1,000 each; 8 copyists; multigraph operator, \$900; typewriter repairer, \$900; switchboard telephone operator; 9 messengers; 7 assistant messengers; 21 laborers; 2 skilled mechanics, one at \$900 and one at \$720; 2 carpenters, at \$900 each; plumber, \$900; electrician, \$1,000; laborer, \$600; 6 laborers, at \$480 each; packer, \$680; 2 conductors of elevator, at \$720 each; 8 charwomen; captain of the watch, \$1,200; 40 watchmen; additional to two watchmen acting as lieutenants of watchmen, at \$120 each; engineer, \$1,200; assistant engineer, \$1,000; 7 firemen; clerk, to sign, under the direction of the Secretary, in his name and for him, his approval of all

tribal deeds to allottees and deeds for town lots made and executed according to law for any of the Five Civilized Tribes of Indians in the Indian Territory, \$1,200; in all, \$273,630.

Mr. MACON. Mr. Chairman, I make a point of order against the language on page 116, line 14:

Chief clerk, \$3,500.

The present salary is \$3,000, and this is an increase of \$500. "Five hundred dollars" is the language that is objectionable.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MACON. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GILLETT. Mr. Chairman, I offer an amendment substituting the previous salary of \$3,000.

The amendment was agreed to.

The Clerk read as follows:

On and after July 1, 1911, the duties theretofore performed by the Board of Pension Appeals shall be transferred to and be performed by the office of the Assistant Attorney General for the Department of the Interior.

Mr. LANGLEY. Mr. Chairman, I move to strike out the last word, in order to ask the gentleman in charge of the bill a question or two. I see that you provide for the transfer of three employees from the Board of Pension Appeals to the office of the Assistant Attorney General, and fail to provide for the remaining five members of the board, which, of course, means that the purpose is to abolish the Board of Pension Appeals. I was a member of that board for several years, and am naturally interested in the question. I want to ask the gentleman if the effect of this will be to in any way limit the right of appeal to the Secretary in pension cases.

Mr. GILLETT. Not at all. I am assured it would not have that effect. The Secretary told us he thought it was time that this Board of Pension Appeals should be absolutely abolished and the work that they do taken up by the law officer of the department. He said that there should be transferred, as the gentleman suggests, two of the legal members and one medical member of the Board of Pension Appeals to the Attorney General's office, and that the other five should be abolished. He assured us that the appeals could be as promptly and as well attended to by the new organization. It simply disposes of the services of five members of the present board.

Mr. LANGLEY. My understanding is that the appeals are coming in now at about the same rate at which they have been coming for some time and that they are not quite up with the current work there.

Mr. GILLETT. That is not my recollection. I understood that the appeals were constantly diminishing.

Mr. LANGLEY. Well, they are about three weeks behind with the work now, so I am officially advised, and all of the eight men are kept busy. What is to become of the other five members of the board?

Mr. GILLETT. His proposition was that they should be transferred to the Pension Bureau, but the committee have made no disposition of them. They are to be dropped. I do not know how confidential the information was, but the Pension Bureau certainly showed no desire for the services of those men, and we concluded that it was not wise to transfer them there; that they would not be useful there, and that they should be dropped.

Mr. LANGLEY. They are all in the classified service, are they not, so that they are eligible for transfer to any vacancy that may be available in any branch of the classified service?

Mr. GILLETT. Certainly.

Mr. LANGLEY. I happen to know that they are men of wide experience in that work and very expert, and nearly all of them, if not all, are trained lawyers and valuable men to the department.

Mr. GILLETT. I do not wish to depreciate their usefulness or intimate that they are not valuable officials. The fact is simply this, that in the Pension Department there was no niche in which they would fit, and we thought it was not wise to transfer them to the Pension Office, but leave them to find other places.

Mr. LANGLEY. I do not desire, in view of what the gentleman says, to offer any amendment, but it seems to me that these men are much better fitted for the pension work than some who are now employed in the Pension Office and that they ought to be retained, but you do not make any provision for them.

Mr. GILLETT. We make no provision; no.

Mr. AUSTIN. What is the position of the Commissioner of Pensions in regard to this change?

Mr. GILLETT. We have followed his suggestion. He approves of it.

Mr. LANGLEY. And the Secretary recommends it?

Mr. GILLETT. The Secretary recommends it.

Mr. BENNET of New York. I would like to ask the gentleman whether there is any real saving in connection with this arrangement.

Mr. GILLETT. The services of five men—\$10,000.

Mr. BENNET of New York. A loss to the five men, but a saving of \$10,000 to the Government. In the opinion of the gentleman, will the work be done just as efficiently as now?

Mr. GILLETT. I think so.

Mr. BENNET of New York. And the appeal go directly to the Secretary?

Mr. GILLETT. To the Assistant Attorney General, and from him to the Secretary.

The Clerk read as follows:

On and after July 1, 1911, the duties theretofore performed by the Board of Pension Appeals shall be transferred to and be performed by the office of the Assistant Attorney General for the Department of the Interior.

Mr. CULLOP. I reserve a point of order against that section. Is the work of appeals up in this department?

Mr. GILLETT. I can not hear the gentleman.

Mr. CULLOP. I say, What is the condition of the work in that department we propose to abolish after the 1st of July and transfer to some other department?

Mr. GILLETT. I can not tell the gentleman that. I simply have to say that we are assured the work can be adequately done by the new force.

Mr. CULLOP. As I understand, there are a great number of these appeals being heard all the time and made at all times. The work is behind, and we are informed that it is not speedily disposed of.

Mr. CAMPBELL. Well, Mr. Chairman, I am informed that this work is well up, and it is the opinion of those connected with the appeals that the work can be expeditiously done under the Secretary of the Interior by the Assistant Attorney General, and perhaps better done than now. We have the assurance that it will not in the least retard the work.

Mr. LANGLEY. When we have passed the pension bill reported by the Committee on Invalid Pensions recently, increasing the rates of pension based on age, will not the appeal work be greatly increased as a result, so as to require the services of these men?

Mr. CAMPBELL. Not at all; that will not bring appeals.

Mr. LANGLEY. I beg your pardon; the question of age is frequently a ground of appeal—the question as to whether the age alleged by the soldier is proved by the evidence.

Mr. CAMPBELL. They have been settling that subject for some time.

Mr. LANGLEY. Nevertheless it is a question upon which an appeal has been frequently based in pension cases.

Mr. CAMPBELL. But in governing payments of pension the question of age has already been settled.

Mr. LANGLEY. In a great number of instances I concede that this is true.

Mr. CAMPBELL. It is true very largely on appeals under the old law. The question of appeals can well be settled now in the office of the Assistant Attorney General in the Department of the Interior.

Mr. CULLOP. And that work will be as speedily done?

Mr. MANN. More speedily done.

Mr. CAMPBELL. Much more speedily done than now.

Mr. CULLOP. With that assurance I withdraw the point of order.

The Clerk read as follows:

General Land Office: Commissioner of the General Land Office, \$5,000; assistant commissioner, \$3,500; chief clerk, \$2,500; chief law clerk, \$2,500; 2 law clerks, at \$2,200 each; 3 law examiners of surveyors general and district land offices, at \$2,000 each; recorder, \$2,000; chief of division of surveys, \$2,750; chief of division, \$2,400; 10 chiefs of division, at \$2,000 each; 13 law examiners, at \$2,000 each; 10 law examiners, at \$1,800 each; 18 law examiners, at \$1,600 each; 28 clerks of class 4; 51 clerks of class 3; 74 clerks of class 2; 77 clerks of class 1; 65 clerks, at \$1,000 each; 65 copyists; 26 copyists, at \$720 each; 2 messengers; 10 assistant messengers; 6 skilled laborers, who may act as assistant messengers when required, at \$660 each; 16 laborers; laborer, \$480; packer, \$720; depositary acting for the commissioner as receiver of public moneys, \$2,000; clerk and librarian, \$1,000; in all, \$621,670.

Mr. CAMPBELL. Mr. Chairman, I want to get some information about the inspectors who settle questions in dispute between claimants for land. I want to know, first, whether or not they are under the civil service.

Mr. GILLETT. That is not in this bill at all. They are in the sundry civil bill.

Mr. CAMPBELL. They are not included in this bill at all?

Mr. GILLETT. No.

Mr. CAMPBELL. I want to reach them when they are being provided for.

Mr. GILLETT. They come under the sundry civil bill.

The Clerk read as follows:

For per diem in lieu of subsistence of examiners and of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding \$4 per day, and for actual necessary expenses of transportation, including necessary sleeping-car fares, and for employment of stenographers and other assistants when necessary to the efficient conduct of examinations, and when authorized by the Commissioner of the General Land Office, \$8,500.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word, for the purpose of securing information from the gentleman having the bill in charge as to whether his committee, during his long service on the committee, has ever considered the question of uniformity of allowance for per diem expenses. Here we have an item allowing \$4 per day to clerks and examiners when in the field, including their necessary sleeping-car fares and expenses of transportation. On the second page before this we have an allowance for some inspectors in connection with the Interior Department where they are limited to \$3 per day.

Mr. MANN. It was \$3 last year.

Mr. STAFFORD. There are different rates running all through the bill. Has the committee ever given consideration to the uniformity of allowance for these expenses?

Mr. GILLET. This rate was determined because we were told that where these men were obliged to pay these expenses this was only a reasonable amount for them to have. Of course the gentleman will recognize that the amount would vary which a man would require, according to where the inspector went. In some portions of the country a man could live for \$3 a day and in other parts of the country it would require \$4 a day.

Mr. STAFFORD. As I understand, the officer having the administration of the allowances makes a uniform allowance for the same officials, regardless of where they are performing service?

Mr. GILLET. Yes.

Mr. STAFFORD. So the amount of the expenditure is not taken into consideration in individual cases?

Mr. GILLET. No; you can not do that, of course; but a certain class of inspectors will presumably have somewhere near the same route and the same expense en route in the same part of the country. We have raised the amount this year. It was \$3 last year, and we raised it on the recommendation of the Secretary, because he said these men had to go to cities largely now and that they could not live for the \$3 a day.

Mr. STAFFORD. Is the per diem allowance granted for every day that they are away from Washington?

Mr. GILLET. Every day when they are away from Washington on duty.

Mr. STAFFORD. Has the committee ever considered whether they regard the surplus of the allowance over their actual expenses as a part of their salary?

Mr. GILLET. That I do not know.

Mr. STAFFORD. The Post Office Committee has recently had collated by the Post Office Department certain information as to post-office inspectors, showing that they generally count upon the per diem, to a certain extent, as being part of their salaries, in some instances as high as one-half.

Mr. GILLET. We did not go on that theory at all. We went on the theory that this was to pay them for their expenses, and was not a profit.

Mr. MANN. No; but with a per diem allowance—and, as a matter of fact, there is no way to escape from that—it supports some of them, practically.

Mr. GILLET. Very largely.

Mr. STAFFORD. The only way to escape from it would be to adopt a provision granting them their actual expenses, but limiting the actual expenses, based upon vouchers, to a certain amount each day.

Mr. MANN. The bill supports them and gives them a profit besides, if anyone wants to take the profit.

Mr. STAFFORD. If anyone would be so untruthful as to make a false return. We are assuming that the employees will be honest enough to make an honest return of their expenses.

Mr. MANN. That would be a correct assumption as to the ordinary employee, but it is not a correct assumption as to a great many people who are under temptation.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For connected and separate United States and other maps, prepared in the General Land Office, \$20,000: *Provided*, That of the United States maps procured hereunder 7,200 copies shall be delivered to the Senate and 14,400 copies shall be delivered to the House of Representatives, 500 copies shall be delivered to the Commissioner of the General Land Office, and the residue shall be delivered to the Secretary of the

Interior for distribution. And all maps delivered to the Senate and House of Representatives hereunder shall be mounted with rollers ready for use.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word. These maps that are sent to the Secretary of the Interior for distribution, what becomes of them?

Mr. GILLET. The gentleman sees by reading the item, of course, that the House and Senate come in for a large number of these maps.

Mr. BENNET of New York. I am well aware of that, but this paragraph does not show how many maps go to the Secretary of the Interior. It says: "And the residue shall be delivered to the Secretary of the Interior for distribution." But how are they distributed—how many are there?

Mr. GILLET. I do not know how many there are; but he distributes them to applicants just the same as we do. As I say, I do not know how many go to him, but it could be figured out. We did not get that information and therefore I do not remember. They cost 69 cents apiece, and of course we could figure it up.

Mr. BENNET of New York. Yes; it is simply an arithmetical calculation, although I think it would be a trifle difficult, because I notice that those that are to be delivered to the House and Senate have rollers, and those that are to be delivered to the Secretary of the Interior do not, and so there would be a difference in the cost. Does he get these for his own distribution?

Mr. GILLET. I think so; they are distributed as the heads of the departments usually distribute documents.

Mr. BENNET of New York. Is not that unusual?

Mr. GILLET. No; there are books that go to the heads of departments for distribution.

Mr. BENNET of New York. Not in very large quantities.

Mr. GILLET. I do not think these go to the Secretary of the Interior in large quantity.

Mr. BENNET of New York. I will withdraw the pro forma amendment.

The Clerk read as follows:

Indian Office: Commissioner of Indian Affairs, \$5,000; assistant commissioner, \$3,000; second assistant commissioner, who shall also perform the duties of chief clerk, \$2,250; financial clerk, \$2,250; chief of division, \$2,250; chief of division, \$2,000; assistant chief of division, \$2,000; law clerk, \$2,000; private secretary, \$1,800; 14 clerks of class 4; 25 clerks of class 3; 24 clerks of class 2; 2 clerks, at \$1,500 each; 43 clerks of class 1; 23 clerks, at \$1,000 each; stenographer, \$1,000; 29 copyists; messenger; 4 assistant messengers; 4 messenger boys, at \$360 each; in all, \$231,210.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word. I would like to inquire of the gentleman in charge of the bill if the salary of the deputy commissioners of the different departments are based upon law. Here the deputy commissioner gets \$3,500. The Deputy Commissioner of Pensions gets \$3,600, the Deputy Commissioner of Patents \$4,500, and the Deputy Commissioner of Indian Affairs only receives \$3,000. It looks to me, while I do not wish to be understood as saying, that the assistants in the bureaus receive a higher salary than the Assistant Commissioner of Indian Affairs, yet that officer ought to receive at least as much salary as any of these other assistant commissioners. I ask if the law fixing the salaries of these deputy commissioners is based upon law.

Mr. GILLET. I do not recollect, but I think it is. It is the same appropriation that we have had year by year.

Mr. BURKE of South Dakota. I will withdraw the pro forma amendment.

The Clerk read as follows:

Pension Office: Commissioner of Pensions, \$5,000; Deputy Commissioner, \$3,600; chief clerk, \$2,500; assistant chief clerk, \$2,000; medical referee, \$3,000; assistant medical referee, \$2,250; two qualified surgeons, at \$2,000 each; 15 medical examiners, at \$1,800 each; 8 chiefs of division, at \$2,000 each; law clerk, \$2,250; chief of board of review, \$2,250; 57 principal examiners, at \$2,000 each; private secretary, to be selected and appointed by the Commissioner of Pensions, \$2,000; 16 assistant chiefs of division, at \$1,800 each; 3 stenographers, at \$1,600 each; 95 clerks of class 4; 100 clerks of class 3; 275 clerks of class 2; 295 clerks of class 1; 65 clerks, at \$1,000 each; 36 copyists; 27 messengers; 12 assistant messengers; 20 messenger boys, at \$400 each; and for the following for care of the Pension Building under the chief clerk of the Interior Department, namely, superintendent of building, \$1,400; 2 engineers, at \$1,200 each; 3 firemen; 40 laborers; 10 female laborers, at \$400 each; 15 charwomen; painter, skilled in his trade, \$900; cabinetmaker, skilled in his trade, \$900; captain of the watch, \$840; 3 sergeants of the watch, at \$750 each; 20 watchmen; in all, \$1,480,020.

Mr. FULLER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers the following amendment, which the Clerk will report.

The Clerk read as follows:

On page 22, lines 24 and 25, strike out, "deputy commissioner, \$3,600," and insert in lieu thereof "two deputy commissioners, \$7,200."

Mr. MACON. And to that I make a point of order.

Mr. FULLER. Mr. Chairman, we have now two Deputy Commissioners of Pensions, and I do not know of any reason for eliminating one of them. There is no diminution of the work there, and under proposed legislation there will be an increase of work. This amendment simply provides for two deputy commissioners, who are now there. It does not change existing law at all. The present bill changes existing law and provides for only one deputy, without saying which one.

The CHAIRMAN. May the Chair inquire of the gentleman from Massachusetts whether the law now authorizes two deputy commissioners?

Mr. GILLET. The appropriation act of last year provided for two deputy commissioners.

Mr. FULLER. And it has so provided since way back in the eighties, and neither one is provided for in anything else except appropriation bills.

Mr. GILLET. I think the gentleman is mistaken; I think one is provided for by statute and the other by appropriation bills. But if the gentleman has looked it up recently he is probably more correct.

Mr. FULLER. My information is that both are provided for by appropriation bills. I see no reason why one should be eliminated. I think they are both required, and this present bill does not determine which one should be eliminated. I think the amendment should prevail.

The CHAIRMAN. Has the gentleman from Illinois examined to find out whether there is any permanent law authorizing the deputy commissioners?

Mr. FULLER. I have, and my examination is that both of them are provided for by appropriation bills.

Mr. GILLET. Mr. Chairman, I would like to say a word on the merits. We have provided in this bill for one deputy commissioner. There are now two, and have been for many years. We have dropped one. This was done, not on our initiative, but on the recommendation of the head of the department and the Pension Commissioner. It is well known that the business of that bureau is steadily and largely diminishing. We are reducing every year the force of the office, and, of course, aside from that, under the new, simplified pension laws the business of the Pension Bureau is steadily falling off. Consequently it is but natural that where before two deputy commissioners may have been necessary now only one is necessary. That fact is attested by the head of the department and by the head of the bureau, and, therefore, it seems to me that it would be an extravagance for this House, when they tell us that they can get along with one deputy commissioner, to insist on forcing upon them two deputy commissioners. Therefore I trust the amendment of the gentleman from Illinois will not prevail.

Mr. FULLER. Mr. Chairman, I do not think this is a good time to eliminate either one of the Deputy Commissioners of Pensions. It may be that they have a larger force in that office, but I remember that one of the Commissioners of Pensions a few years ago came before the committee and said that if he had the naming of the clerks he could do the work with a less number.

Mr. MANN. Mr. Chairman, has the Chair a copy of the Revised Statutes?

The CHAIRMAN. The Chair has the Statutes at Large, and will state that they provide for two deputies.

In the Twenty-second Statutes at Large, pages 247, 248, the annual appropriation bill of 1882 appropriates for the salary of the second deputy commissioner, and further recognizes the office with this proviso:

Provided, That the duties of first and second deputy commissioners shall be such as are now fixed by law for the deputy commissioner of pensions, etc.

The proviso further provides that in certain cases the duties of the commissioner shall devolve on the second deputy.

The Chair is not aware that this law of 1882 has been repealed. It gives legal recognition to the office; and therefore the Chair overrules the point of order.

Mr. FITZGERALD. Mr. Chairman, will the gentleman from Illinois yield for a question?

Mr. FULLER. Yes.

Mr. FITZGERALD. What is the object of creating this other place?

Mr. FULLER. It is not creating another place. It is a place that is already created by law. The bill proposes to eliminate one of these deputies.

Mr. FITZGERALD. The Commissioner of Pensions says that the place is not necessary.

Mr. FULLER. I do not know what his opinion about that might be, but I do know this, that the office of the second deputy has been a most effective office, so far as Members of Congress

from my section of the country are concerned, to secure the transaction of business. Under him there is a very effective force, some of the best men in the Pension Bureau, and I know we have been getting better attention to matters there than in any other part of that office.

Mr. FITZGERALD. But if this place is abolished, may it not give the first deputy a chance to do something?

Mr. FULLER. Possibly that might be so; but I would dislike to give him a chance in that way.

Mr. LANGLEY. The second deputy is from Illinois, is he not?

Mr. FULLER. Yes.

Mr. LANGLEY. And the first deputy is from Kansas, I understand. I want to say, however, that I personally know them both to be faithful and efficient officers. Mr. Chairman, I suggest that the gentleman's amendment is not exactly in the proper form.

The CHAIRMAN. That is not a matter for the Chair to pass upon.

Mr. LANGLEY. Let us have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. LANGLEY. The point I desire to make is that it does not fix the salary of each—the first and the second deputy—but merely names the total amount of both salaries.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. FITZGERALD. There must have been some oversight on the part of the men who framed the Federal Constitution, Mr. Chairman, in not inserting a provision that once a position was created in the Federal Government it should not be abolished.

Mr. SHERLEY. It was not necessary.

Mr. FITZGERALD. Whether it was necessary or not, the Commissioner of Pensions, I understand, states to the committee that this position is not necessary; that his office will be just as efficiently and effectively maintained and the work performed without this official as with him. The committee, accepting the recommendation of the man at the head of the office, who at least should be able to determine such a question, reports the bill eliminating an unnecessary place—one unnecessary place of the hundreds of thousands in this Government. Just as soon as the committee makes such a report some Member, because he has been more or less successful in his efforts when he has come in contact with that particular official, objects to the abolishment of the place, although the particular individual who occupies it may not remain in it very long.

It may be that the proper way to eliminate useless offices is first to dismiss the favored official who occupies the place. Then there would not be so much activity in the House or in other places to retain useless and unnecessary positions. Whenever this administration is able to point out one—one little place out of the great horde of officials in this city—that can be, without any impairment of efficiency, dropped from the service I hope that the House will not attempt to discourage the administration and to coerce it to continue an unnecessary and useless office simply that some person may not be compelled to join the great army that will leave this House on the 4th of March to seek for some honest and remunerative employment. Certainly it can not be, Mr. Chairman, that competition is feared from the individual who holds this place. I do not believe that any Member who is retiring from this House has in mind that his chances to succeed in life will be jeopardized in the slightest because of the competition that will arise from throwing on the labor market the individual who holds this useless and unnecessary office. I would do everything possible to encourage this administration in these humble efforts to economize, in the hope that in the next session of Congress, when there will not be a House filled with the friends of useless and unnecessary officials, but one which will be doing business on strictly business principles, that the administration will make many similar recommendations, with the knowledge that the recommendations will be adopted. I hope the House will give this encouragement to the administration and defeat the motion of the gentleman from Illinois.

Mr. FULLER. Mr. Chairman, I do not think this is the way to eliminate any office that has been provided for by law. I do not think that by the mere act of failing to appropriate a salary that we ought to attempt to change any general law. I believe myself that this office is necessary and proper. I have had, perhaps, being a member of the Committee on Invalid Pensions, as much business before that department as any other Member of this House. I know that that office has been a very

efficient office in the carrying out of the law, and it ought not to be abolished in this way without consideration. It does not matter whether the gentleman who holds the position now is from Illinois or whether in the next régime that comes in after the 4th of March it may be a gentleman from New York, and I do not care—

Mr. FITZGERALD. Is the present occupant of this office from Illinois?

Mr. FULLER. He is—

Mr. FITZGERALD. I thought so.

Mr. FULLER. But not from my district. I am not here advocating the retainment of the office because he is one of my constituents, for he is not. It would not make any difference to me if he were from the State of New York. I do not believe this office ought to be abolished. I believe it is an office that is for the benefit of the people of this country, and that it ought to be retained in the appropriation bill, and that the salary ought to be appropriated under this act and in accordance with the law.

Mr. HUGHES of New Jersey. Mr. Chairman, it seems to be admitted that this office is sort of a vermiform appendix in the body politic. The gentleman from New York [Mr. FITZGERALD] several times said it was absolutely useless and unnecessary, and that, Mr. Chairman, is the common way of describing the organ which I have just mentioned. The gentlemen seem to differ as to the method of doctoring it. Appendicitis, apparently, has been caused somewhere, or else this recommendation would not be in the bill. The gentleman from Illinois believes in a palliative remedy—he wants a poultice put on—while the gentleman from New York wants to operate at once, and I am with him. I think we ought to perform the operation immediately and cut out this useless and unnecessary appendix. [Applause.]

Mr. GILLETT. Mr. Chairman, I wish to add just one word. The gentleman from Illinois [Mr. FULLER] says, and quite rightly, that this office ought not to be abolished without a reason. Now, it seems to me there is a palpable reason. We all know that the work of the Pension Office is rapidly, and we hope increasingly, diminishing. Last year 100 men were dropped from the force. This year this appropriation bill drops 50 more. So there is a reduction of 150 in two years. The head of the department says that with this reduction the second deputy commissioner is superfluous, and therefore, as the work of the department is diminishing, it seems to me it is but natural that one of the heads should also be diminished.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FULLER].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. FULLER. Division, Mr. Chairman.

The committee divided; and there were—ayes 17, yeas 33.

So the amendment was rejected.

Mr. FULLER. Mr. Chairman, I make the point of order of no quorum.

The CHAIRMAN. The Chair will count. [After counting.] There are 86 Members present—not a quorum.

Mr. GILLETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 29360, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

SENATE JOINT RESOLUTIONS AND BILLS SIGNED.

The SPEAKER announced his signature to enrolled joint resolutions and bill of the following titles:

S. J. Res. 130. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1910, on the 21st day of said month;

S. J. Res. 125. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate Army and Navy who died in northern prisons and were buried near the prisons where they died, and for other purposes;" and

S. 9439. An act to amend the act regulating the height of buildings in the District of Columbia, approved June 1, 1910.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 29495. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1911, and for other purposes.

ADJOURNMENT.

Mr. GILLETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned until Wednesday, December 21, 1910, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Navy, transmitting an estimate of cost of repairs of certain vessels of the Navy (H. Doc. No. 1221), was taken from the Speaker's table, referred to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FOSS of Illinois, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 29706) to promote the efficiency of the Naval Militia, and for other purposes, reported the same without amendment, accompanied by a report (No. 1794), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. COOPER of Pennsylvania, from the Committee on Printing, to which was referred the resolution of the House (H. Res. 873) to distribute CONGRESSIONAL RECORDS credited to the fifth Pennsylvania district, reported the same without amendment, accompanied by a report (No. 1801), which said bill and report were referred to the House Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. PATTERSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 1086) for the relief of M. Birdsong, reported the same adversely, accompanied by a report (No. 1795), which said bill and report were laid on the table.

Mr. ADAIR, from the Committee on Claims, to which was referred the bill of the House (H. R. 12640) for the relief of Anna K. Carpenter, reported the same adversely, accompanied by a report (No. 1796), which said bill and report were laid on the table.

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the House (H. R. 12794) for the relief of Bernard Campbell, reported the same adversely, accompanied by a report (No. 1797), which said bill and report were laid on the table.

Mr. CANDLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 22405) for the relief of J. H. Collett, reported the same adversely, accompanied by a report (No. 1798), which said bill and report were laid on the table.

Mr. GILL of Missouri, from the Committee on Claims, to which was referred the bill of the House (H. R. 24191) for the relief of A. V. Coles, reported the same adversely, accompanied by a report (No. 1799), which said bill and report were laid on the table.

Mr. ADAIR, from the Committee on Claims, to which was referred the bill of the House (H. R. 25613) for the relief of Viola Weichert, reported the same adversely, accompanied by a report (No. 1800), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5542) for the relief of Hiram B. Crowell and William H. Jones; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 9658) for the relief of William H. Bean; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 13061) for the relief of William A. Clark; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 14079) for the relief of F. D. Bain; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 20260) for the relief of the estate of S. F. Crider; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 23409) for the relief of Francis H. Connelly; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Michigan: A bill (H. R. 30023) to regulate the operation of elevators and the examination, licensing, and registration of elevator operators in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 30024) to amend an act entitled "An act to provide for the extension of Newton Place NW. from New Hampshire Avenue to Georgia Avenue and to connect Newton Place in Gass's subdivision with Newton Place in Whitney Close subdivision," approved February 21, 1910; to the Committee on the District of Columbia.

By Mr. KEIFER: A bill (H. R. 30025) to provide for the purchase of a site and the erection of a public building thereon at Washington Court House, in the State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. PARKER (by request): A bill (H. R. 30026) relating to appeals from the district court of the United States for Porto Rico; to the Committee on Insular Affairs.

By Mr. MORRISON: A bill (H. R. 30027) to provide for the payment of service pensions to the soldiers and enlisted men of the Navy and Marine Corps who served during the Civil War; to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 30028) to authorize the extension of Lamont Street NW., in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MANN: A bill (H. R. 30029) to provide for the payment of the traveling and other expenses of United States circuit and district judges when holding court at places other than where they reside; to the Committee on the Judiciary.

By Mr. ROBINSON: A bill (H. R. 30030) authorizing an increase in expenditure for the purchase of a post-office site at Fordyce, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. FERRIS: A bill (H. R. 30031) providing for the sale of the unused unallotted remnant tracts of land of the Kiowa, Comanche, and Apache Reservation in Oklahoma; to the Committee on Indian Affairs.

By Mr. CARLIN: A bill (H. R. 30032) for the construction of a memorial and mortuary chapel in the Arlington National Cemetery; to the Committee on Military Affairs.

By Mr. KALANIANAOLE: A bill (H. R. 30033) to provide a lighthouse depot at Honolulu, in the Territory of Hawaii; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Joint resolution (H. J. Res. 258) providing for an increase in pay to the clerks and employees of the Government; to the Committee on Appropriations.

By Mr. RUCKER of Colorado: Memorial of the State of Colorado relating to the pensioning of soldiers engaged in uprising Indian depredations on the western frontier; to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 30034) granting an increase of pension to Amanzel L. Spore; to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 30035) granting an increase of pension to William Held; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30036) granting an increase of pension to Anderson H. Ash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30037) granting an increase of pension to William Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30038) granting an increase of pension to Joseph Diedler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30039) granting an increase of pension to Nicholas B. Querrin; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 30040) granting an increase of pension to Simon Fockle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30041) granting an increase of pension to Noah Switzer; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 30042) granting an increase of pension to James Madison Rolain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30043) granting an increase of pension to Richard Luttrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30044) granting a pension to D. W. Crawford; to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 30045) granting a pension to Margaret O'Brien; to the Committee on Pensions.

Also, a bill (H. R. 30046) granting an increase of pension to Austin Curtin; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 30047) granting an increase of pension to George N. Dragoo; to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 30048) granting an increase of pension to J. R. Lamson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30049) granting an increase of pension to Horatio B. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30050) granting a pension to Moses Cottle; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 30051) granting an increase of pension to Abijah Crow; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 30052) granting an increase of pension to Henry C. Cutter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30053) granting an increase of pension to Robert L. Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30054) granting an increase of pension to Harrison Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30055) granting an increase of pension to Joseph Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30056) granting an increase of pension to William J. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30057) granting an increase of pension to Henry L. Easter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30058) granting an increase of pension to Albert Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30059) granting an increase of pension to Hutchins B. Durham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30060) granting an increase of pension to John L. Keifer; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 30061) granting an increase of pension to John McIntosh; to the Committee on Invalid Pensions.

By Mr. COCKS of New York: A bill (H. R. 30062) granting an increase of pension to Charles C. Griffing; to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 30063) granting an increase of pension to John Q. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30064) granting an increase of pension to James S. Edle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30065) granting an increase of pension to William Hullinger; to the Committee on Invalid Pensions.

By Mr. COWLES: A bill (H. R. 30066) granting an increase of pension to John S. Brooks; to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 30067) granting a pension to Joseph Yarnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30068) granting a pension to Frank D. Leffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30069) repealing part of the act of March 24, 1910, relating to an increase of pension to Morgan M. Lane; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 30070) granting an increase of pension to John Toner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30071) granting an increase of pension to Harley Beebe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30072) granting an increase of pension to Martin Wambgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30073) granting an increase of pension to Willis S. Barnum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30074) granting a pension to Nancy Cook; to the Committee on Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 30075) granting an increase of pension to George Goodpastor; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 30076) granting an increase of pension to Jeshuron Bailey; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 30077) granting an increase of pension to Joseph Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30078) granting an increase of pension to Austing Ramsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30079) granting an increase of pension to Alfred Clelan; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 30080) granting a pension to John Zilkie; to the Committee on Pensions.

Also, a bill (H. R. 30081) granting a pension to Albert Truffner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30082) granting an increase of pension to Charles E. Bigelow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30083) granting an increase of pension to Thomas W. Eaton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30084) granting an increase of pension to Robert Lewis; to the Committee on Pensions.

By Mr. HAMLIN: A bill (H. R. 30085) for the relief of John Thomas; to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 30086) granting a pension to James F. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30087) to correct the military record of J. W. La Bare; to the Committee on Military Affairs.

By Mr. HIGGINS: A bill (H. R. 30088) granting an increase of pension to Phil Spelman, alias Peter Smith; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 30089) granting an increase of pension to Frank Grove; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30090) granting an increase of pension to J. C. Haverfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30091) granting an increase of pension to Ebenezer Blanchard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30092) granting a pension to Thomas Seals; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 30093) granting a pension to Jessie F. Loughridge; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 30094) granting a pension to Amy Sheehan; to the Committee on Pensions.

By Mr. LEE: A bill (H. R. 30095) granting a pension to James Molloy; to the Committee on Pensions.

By Mr. LINDBERGH: A bill (H. R. 30096) granting an increase of pension to Albert Devereaux; to the Committee on Invalid Pensions.

By Mr. LUNDIN: A bill (H. R. 30097) granting a pension to Jessie Nees; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30098) granting an increase of pension to Moses J. Reeves, Jr.; to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 30099) granting a pension to Susan Y. Springer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30100) granting a pension to Ann Dolan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30101) to amend the naval record of Charles F. West; to the Committee on Naval Affairs.

By Mr. McDERMOTT: A bill (H. R. 30102) granting an increase of pension to Jacob Kaiser; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 30103) granting an increase of pension to David S. Cox; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 30104) granting an increase of pension to William Spotts; to the Committee on Invalid Pensions.

By Mr. MASSEY: A bill (H. R. 30105) granting an increase of pension to Edgar H. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30106) granting an increase of pension to Sarah McQueen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30107) granting a pension to Stanley S. Stout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30108) granting a pension to R. S. B. Nave; to the Committee on Pensions.

Also, a bill (H. R. 30109) granting a pension to Monroe Trent; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30110) granting a pension to Ruben B. Hyder; to the Committee on Pensions.

Also, a bill (H. R. 30111) granting a pension to Thomas Sloan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30112) granting a pension to Thomas R. Trent; to the Committee on Invalid Pensions.

By Mr. MILLER of Kansas: A bill (H. R. 30113) granting an increase of pension to Zadock Baker; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 30114) granting an honorable discharge to Charles Gardner; to the Committee on Military Affairs.

By Mr. MOSS: A bill (H. R. 30115) for the relief of William B. Young; to the Committee on Military Affairs.

By Mr. MOXLEY: A bill (H. R. 30116) granting an increase of pension to Martha L. Van Vliet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30117) granting an increase of pension to Dennis W. Finley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30118) granting an increase of pension to Margaret R. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30119) granting an increase of pension to Thomas J. Albee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30120) granting an increase of pension to Joseph Markvart; to the Committee on Pensions.

Also, a bill (H. R. 30121) granting a pension to Margaret J. Brennan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30122) granting a pension to Alfred J. Parsons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30123) granting a pension to Melissa J. King; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 30124) granting an increase of pension to William Anthony; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 30125) granting a pension to Lula Prentice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30126) granting an increase of pension to Van Buren Hinds; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 30127) granting an increase of pension to William C. Muesch; to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: A bill (H. R. 30128) granting an increase of pension to Margaret Reardon; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 30129) granting an increase of pension to John W. Taylor; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 30130) granting an increase of pension to Henry Hazenwinkle; to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 30131) granting an increase of pension to John J. Spiker; to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 30132) granting a pension to James McIntyre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30133) granting an increase of pension to Colistus G. Bell; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 30134) granting an increase of pension to William J. Teed; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of Myron Wood, of Youngstown, Ohio, for Senate bill 6977 and House bill 17883, for pension increase; to the Committee on Invalid Pensions.

Also, petition of Norris Post, No. 27, Grand Army of the Republic, of Fostoria, Ohio, for amendment to the age pension act; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of Frank C. Burch, of Columbus, Ohio, protesting against the enactment of a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of G. W. Hughs Post, No. 298, Grand Army of the Republic, of Nashville, Ohio, for amendment to the age pension act; to the Committee on Invalid Pensions.

By Mr. BARNHART: Petition of Brass Workers' Union of Elkhart, Ind., asking for the speedy and thorough investigation of the spread of disease to human beings from dairy products; to the Committee on Agriculture.

Also, petition of Grant E. Eldridge, of Medaryville, Ind., protesting against legislation for the extension of the parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. BOWERS: Petition of citizens of Mississippi, against a local rural parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of Massachusetts Civil Service Association, commending recent extension of the classified service to post offices; to the Committee on Reform in the Civil Service.

Also, petition of American Institute of Homeopathy, for a national health bureau; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Maritime Association of the Port of New York, for Senate bill 5677, improvement in the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAPMAN: Petition of Joppa (Ill.) Lodge, No. 2200, of the Modern Brotherhood of America, for the Dodds bill (H. R. 22239); to the Committee on the Post Office and Post Roads.

By Mr. COOPER of Wisconsin: Petition of residents of Racine, Wis., asking for enactment of Senate bill 5677, to promote efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON: Petition of Frank T. Clay and others, against a rural parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. DIEKEMA: Petition of Swan A. Miller and others, asking early and favorable action on bill providing for retirement and relief of officers and members of the United States Life-Saving Service (S. 5677); to the Committee on Interstate and Foreign Commerce.

By Mr. ENGLEBRIGHT: Petition of Merchants' Association of San Francisco, for appropriation to improve Mare Island Navy Yard; to the Committee on Naval Affairs.

By Mr. ESCH: Paper to accompany bill for relief of Jeshuron Bailey; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: Petition of J. G. Stansfield & Sons, of Mount Carmel, Ill., against legislation for the extension of the parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Henry Longnecker Post, No. 171, Grand Army of the Republic, of Robinson, Ill., for pension bill H. R. 16268; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Ludwig Nelson & Irish, of Sycamore, Ill., protesting against the enactment of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. GARNER of Texas: Petition of Artisan Camp, No. 2660, Woodmen of the World, of Texas, for the Dodds bill (H. R. 22239); to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM of Pennsylvania: Petition of the Grace Evangelical Lutheran Church, of Pittsburgh, Pa., favoring House bill 21836, relative to safety of human life at sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMMOND: Petition of A. C. Albright, for legislation granting old-age pensions; to the Committee on Invalid Pensions.

Also, petition of M. B. Miller and 26 others, of Sioux Valley, Minn., for legislation against dealing in futures; to the Committee on Agriculture.

By Mr. HOLLINGSWORTH: Papers to accompany bills for relief of E. C. George, T. S. Watson, H. A. McLaughlin, J. V. Grove, and Ebenezer Beauchard; to the Committee on Invalid Pensions.

Also, petition of Rev. Dr. R. Emery Bertham, president of Scio College, for appropriation of \$75,000 to enable Commissioner of Education to employ consulting specialist in education work; to the Committee on Appropriations.

By Mr. HOWELL of New Jersey: Petition of Woman's Club of Glen Ridge, N. J., for an investigation of facts relative to tuberculosis among farm animals; to the Committee on Agriculture.

Also, petition of Harry Truax, of Long Branch (N. J.) Board of Trade, of New Brunswick, N. J., against the Tou Velle bill; to the Committee on the Post Office and Post Roads.

Also, petition of New Jersey Child Labor Committee, of East Orange, N. J., favoring a Federal bureau for children; to the Committee on Expenditures in the Department of Commerce and Labor.

By Mr. HULL of Iowa: Petition of Meek & Robertson Co. and other citizens of Indianola, Iowa, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. KENDALL: Petition of citizens of Deep River, Iowa, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Papers to accompany bills for relief of Annie M. Tinsley, Martin C. Gross, Henry Smith, J. W. Flaharty, and Levi R. Samis; to the Committee on Invalid Pensions.

By Mr. McKINNEY: Petition of citizens of Carthage, Joy, and Alexis, all in the State of Illinois, protesting against the enactment of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of J. Madison Taylor, of Philadelphia, Pa., for passage of Senate bill 423 and House bill 27068, for Federal children's bureau; to the Committee on Expenditures in the Department of Commerce and Labor.

By Mr. NEEDHAM: Petition of Chamber of Commerce of San Francisco, Cal., relative to delays in telegraphic matter; to the Committee on Interstate and Foreign Commerce.

Also, petition of convention of California Fruit Growers' Association, asking appropriation to protect fruit of the country from destruction by the Mediterranean fly; to the Committee on Agriculture.

By Mr. ROBINSON: Paper to accompany bill for relief of W. C. Whitthorn; to the Committee on Pensions.

By Mr. SHEFFIELD: Paper to accompany bill for relief of Flora Annis; to the Committee on Invalid Pensions.

By Mr. SIMS: Paper to accompany bill for relief of Capt. John W. Taylor; to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of Manchester (Mich.) Brewing Co., for removal of duty on barley; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, December 21, 1910.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

NAMING A PRESIDING OFFICER.

Mr. KEAN called the Senate to order, and the Secretary read the following:

PRESIDENT PRO TEMPORE,
UNITED STATES SENATE,
Washington, December 21, 1910.

Being temporarily absent from the Senate, I appoint Hon. JOHN KEAN, Senator from New Jersey, to perform the duties of the Chair.

WM. P. FRYE,
President pro tempore.

Mr. KEAN thereupon took the chair as Presiding Officer, and directed that the Journal be read.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDING OFFICER. Without objection, the Journal stands approved as read.

PROPOSED INCREASES IN FREIGHT RATES.

The PRESIDING OFFICER laid before the Senate a communication from the Interstate Commerce Commission (S. Doc. No. 725), transmitting, in response to a resolution of the 15th instant, copy of the evidence in the investigation of advances in rates by carriers in official classification territory, and also of advances in rates by carriers in Western Trunk Line, Trans-Missouri, and Illinois freight committee territories, which, with the accompanying papers, was referred to the Committee on Interstate Commerce and, with accompanying illustrations, ordered to be printed.

REPORT OF INTERSTATE COMMERCE COMMISSION.

The PRESIDING OFFICER laid before the Senate the twenty-fourth annual report of the Interstate Commerce Commission (H. Doc. No. 1168), which was referred to the Committee on Interstate Commerce and ordered to be printed.

KAW AND OTTIE INDIAN ALLOTMENTS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to resolution of June 23, 1910, schedules showing the number of allotments belonging to deceased Indians of the Kaw and Ootie Tribes (S. Doc. No. 722), which, with the accompanying papers, were referred to the Committee on Indian Affairs and ordered to be printed.

SITE FOR DISTRICT OF COLUMBIA REFORMATORY.

The PRESIDING OFFICER laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 17th instant, certain information relative to the selection of a tract of land for a site for the construction of a reformatory for the District of Columbia near Mount Vernon (S. Doc. No. 724), which, with the accompanying paper and illustrations, was referred to the Committee on the District of Columbia and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Presiding Officer:

H. R. 29495. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1911, and for other purposes.